

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF

JUNE 20, 2003

(Published June 28, 2003, in *Finance and Commerce*)

Council Chamber
350 South 5th Street
Minneapolis, Minnesota
June 20, 2003 - 9:30 a.m.

Council President Ostrow in the Chair.

Present - Council Members Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Lane, President Ostrow.

Lilligren moved acceptance of the minutes of the regular meeting held 6/6/03. Seconded.

Adopted upon a voice vote.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote.

PETITIONS AND COMMUNICATIONS

COMMUNITY DEVELOPMENT:

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (268841)

Focus Minneapolis Initiative: Receive & File status report.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (268842)

City of Lakes Waldorf School (2344 Nicollet Avenue): Resolution giving preliminary and final approval to issue bonds.

Mount Olivet Day Services (5517 Lyndale Avenue S, 5522 Garfield Avenue S, 615 W 56th Street): Resolution giving preliminary and final approval to issue bonds.

PLANNING COMMISSION/DEPARTMENT (268843)

Visual Arts Exhibition, "Coexistence": Approve City involvement, in cooperation with Hennepin County.

COMMUNITY DEVELOPMENT and TRANSPORTATION & PUBLIC WORKS and W&M/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (268844)

Downtown East Municipal Parking Ramp Final Construction: Change Orders for work on parking ramp, amendment to Finance Plan, waiver of City's administrative fee, and Resolutions appropriating funds.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (268845)

North Nicollet Mall: Resolution establishing North Nicollet Mall Development District #60.

Lindquist Apartments (1927-35 West Broadway): Request approval for loan from Multi-Family Rental and Cooperative Program and for non-profit administrative funding for RS Eden.

NEIGHBORHOOD REVITALIZATION PROGRAM (NRP) (268846)

Neighborhood Revitalization Program Administrative Budget Revision: Rollover from 2002 Administrative Budget to 2003 Administrative Budget.

HEALTH AND HUMAN SERVICES:

HEALTH AND FAMILY SUPPORT SERVICES (268847)

Youth Vendor Award for Program Year 2002: Award presented to HIRED.

Positive Parenting for Adolescent Health Project: Request for Intergovernmental Agreement to assess parental need regarding parenting of adolescents and creating a consistent metro-wide message to parents regarding communication and reinforcing the importance of parental role in the lives of teens.

Economic Impact Study of Childcare in Minneapolis: Report presented by Greater Minneapolis Day Care Association.

HEALTH AND HUMAN SERVICES (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (268848)

Dislocated Workers: Execute Workforce Investment Act (WIA) Title I and State Dislocated Worker Program Master Agreement with Minnesota Department of Trade and Economic Development for period July 1, 2003 to June 30, 2006.

Local Workforce Investment Act Plan: Authorize Mayor to sign Program Year 2003 update to Local Plan for Workforce Investment Act.

Public Health Advisory Committee: Appoint David Durenberger, Jr to Committee as member-at-large for term to expire December 31, 2003.

REGULATORY SERVICES (268849)

Swimming Pools: Approve increasing sanitizer levels and lowering pH to reduce bacterial contamination for pools and whirlpools.

HEALTH AND HUMAN SERVICES and WAYS & MEANS/BUDGET (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (268850)

Minnesota State Smallpox Vaccination Program: Amend Grant Agreement with Minnesota Department of Health to accept additional \$57,393 in federal bioterrorism funds for planning and implementation of Vaccination Program and to address the Public Health Information Technology functions and specifications required under grant; and Approve appropriation.

Career Development Facilitator Program: Increase Master Contract with Normandale Community College by \$93,000 to pay tuition for case managers employed by agencies providing vocational counseling services to participate in Program.

Twin Cities Healthy Start Project: Accept \$5,000 grant from Archie D. & Bertha H. Walker Foundation to support fetal alcohol syndrome training as part of project's overall goal of reducing infant mortality and improving birth outcomes; and Approve appropriation.

PUBLIC SAFETY AND REGULATORY SERVICES:

COUNCIL MEMBER ZIMMERMANN (268851)

Special Assessment at 1833 E 25 1/2 St: Request to abate special assessment of \$11,355 plus accrued interest, levied on November 9, 2001, for property demolition costs and Direct Hennepin County to cancel assessment; w/attachments.

POLICE DEPARTMENT (268852)

Staffing: Update report on allocation of resources relating to layoffs, callbacks and staffing; and Local Government Aid cuts.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

INSPECTIONS DEPARTMENT (268853)

Rental Licensing Application Changes: Ordinance establishing liability of the contact person and the City's ability to pursue the owner and/or contact; requiring changes in application information; allowing request for new application or floor plan at any time; and providing for potential revocation.

LICENSES AND CONSUMER SERVICES (268854)

Jasmine Deli (2532 Nicollet Av): Grant Sidewalk Cafe License.

Magpie Coffee (4159 Cedar Av.): Grant Sidewalk Cafe License.

JK Halal Market (1844 Central Av NE): Grant Provisional Meat Market and Tobacco Licenses, subject to conditions.

Licenses: Applications.

LICENSES AND CONSUMER SERVICES (268855)

Limits on Hours of Sale of Alcoholic Beverages: Ordinance to legally extend hours of sale of on-sale liquor and on-sale 3.2 percent malt liquor from 1:00 a.m. to 2:00 a.m.; w/attachments.

POLICE DEPARTMENT (268856)

Pawnbrokers: Adopt Administrative Enforcement Fine Schedule for pawnbroker violations enforced by Officers assigned to Police Licenses.

Racial Profiling Grant: Amend Grant Agreement with Minnesota Department of Public Safety to extend grant period to October 2003 to support installation of video cameras in squad vehicles for video recording of police vehicle stops.

PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):

FIRE DEPARTMENT (268857)

Domestic Preparedness Grant Allotment: Amend Resolution 2003R-021 passed January 31, 2003 to reflect overall reductions in the Department of Justice federal grant and Minnesota Equipment and Training State Grant.

Donated Funds to Fire Department: Accept \$3,500 from Minneapolis Auxiliary 34 FOE Fraternal Order of Eagles to purchase a thermal imaging camera; and Approve appropriation.

Emergency Preparedness and Homeland Security: Authorize limit release of Request for Proposal to sole contractor, Citygate Associates LLC Fire & Emergency Services, to provide outside analysis of City's risk and deployment strategy to give strategic planning information to Fire Department, pending approval by Permanent Review Committee.

FIRE DEPARTMENT (268858)

Fire Department's Five-Year Business Plan: Approve plan.

POLICE DEPARTMENT (268859)

Donated Funds to Police Department: Accept \$10,000 from General Mills Foundation for school liaison overtime expenses; and Approve appropriation.

Local Law Enforcement Block Grant Program: Transfer \$29,000 from Police Department to Employment and Training to support STEP UP Program.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (268860)

Fire Station No. 6: Change order with Lund Martin Construction.

Police First Precinct: Amendment No. 2 with Hammel, Green, Abrahamson and change order with Diversified Contracting Specialists.

Hennepin County Project (1st to 3rd Aves NE): Resolution approving Layout 1B dated 5/2/03.

2003 Mpls Aquatennial: Festival activities, special events, program components and permit request.

Naming private streets: Heritage Park Housing Development Project - Sumner Court and Riverview Homes Townhomes Development - River Pointe Circle and River Pointe Lane and notifications and update maps and records.

2003 Alley Resurfacing Program: Designating the improvements, adopt cost estimate and the list of benefited properties.

Areaway abandonment & removal of property at 1519 Franklin Av E: Adopt cost estimate for benefited property, prepare assessment against the benefited property.

Public Right of Way: Ordinances allowing Public Works to utilize administrative enforcement and hearing process to regulate and control activities within public rights of way.

JUNCKER, DAVID F (268861)

Notice of Appeal of the decision to adopt assessments of the Nicollet Avenue South Reconstruction.

*See report of 5-2-03.

RONAN, SHAWN (268862)

Notice of Appeal of the decision to adopt assessments of the Nicollet Avenue South Reconstruction.

*See report of 5-2-03.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (268863)

4th St Reverse Flow Bus Lane - MnDOT Agreement: Authorize state contract to receive federal funds.

Areaway abandonment (705 Hennepin Ave): Designating the locations and improvements and ordering the works to proceed as contained in a petition dated 5/8/03, increasing the appropriation and requesting the Board of Estimate and Taxation to issue and sell assessment bonds.

Logan Av N Stormwater Pond (Flood Area 37): Resolution approve execution of MN Department of Natural Resources Flood Hazard Mitigation Grant Agreement.

Bids: a) OP #6070, General Safety Equipment LLC for fire trucks, b) OP#6094, Global Specialty Contracts, Inc for Loring Greenway site improvements, c)OP #6095, Veit & Company, Inc for Heritage Park Phase 1 Group C Park and landscape improvements, and d) OP #6099, Mountain Environmental, Inc for hauling and disposal of lime waste.

Bassett Creek Water Management Commission Fund: Resolution seek 100% funding of capital projects through an ad valorem tax.

WAYS AND MEANS BUDGET:

ATTORNEY (268864)

Minnesota Citizens' Personal Protection Act: Opinion regarding issues that the City faces as a result of the new law.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (268865)

Legal Settlement: Approve settlement with MetLife Insurance Company for No-Fault benefits paid to the Lanz family.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (268866)

Empowerment Zone Funds for Summer Youth Employment: Approve grant of \$200,000 to the Step Up Program and authorize agreement with Minneapolis Employment and Training Program to administer grant funds.

COORDINATOR (268867)

New Central Library Project: Accept low bid of Sowles Co for tower cranes and material hoists and authorize change order to contract.

ZONING AND PLANNING (See Rep):

HERITAGE PRESERVATION COMMISSION (268868)

Olson + Company (1625 Hennepin Ave): Application for historic variance for rooftop signage.

INSPECTIONS/BOARD OF ADJUSTMENT (268869)

Appeals:

CT Dabrowski (2511 University Ave NE);

Keith Koch (926-13th Ave S);

Joni Babinski & Thomas Hankes (re Keith Koch, 926-13th Ave S).

PLANNING COMMISSION/DEPARTMENT (268870)

Appeal:

David Harstad, for Mike & Myra Moore (re Master Civil & Construction Engineering, Inc, 2000 Nicollet Ave S).

Vacation Applications:

Mpls Public Schools (E 31st St between 19th & 21st Aves S).

Rezoning Applications:

Michael Lawrence (2500 Aldrich Ave S);

Dean Carlson, dba Community Housing Resources (4518 Dupont Ave N);

Lois Mueller, for Lindquist Apartments (1927-35 W Broadway);

Ginya Hughes (4029 Dupont Ave N).

PLANNING COMMISSION:

CERMAK RHOADES ARCHITECTS (268871)

Permission to vacate a small triangular-shaped piece of land vicinity of West Broadway between Newton and Oliver Avenues North.

FILED:

CITY CLERK (268872)

2002 Annual Report.

CITY CLERK/SPECIAL PERMITS (268873)

2nd St SE, 224 (Let's Get Graphic) signs;

4th St S & Hennepin Ave (Skyway Event Services) ground breaking ceremony for new library;

4th St N, 2025 (Sherlene Hall) pony rides;

12th Av S & 22nd St (American Indian Housing & Community Development Corp) move house;

24th Av SE, 730 (Pajor Graphics Inc) sign;

Broadway NE, 300 (Lawrence Sign) sign;

Columbus Av S, 2504 (Messiah Lutheran Church) shetland ponies;

Harmon Pl from Naple St to Hennepin Ave (Joe's Garage Restaurant) tents for block event;

Lake St W, 711 (Minnesota Center Photography) blues concert in parking lot;

Main St, 219 (Scott Allen Denny) pony rides;

Main St, 219 (St Anthony Main) horse drawn wagon rides;

Main St, & 3rd Ave SE area (StoneArch Festival) baby zoo animals;

Minnehaha Av S, 4604 (Sign-A-Rama) sign;

Nicollet Av S, 3342 (Topline Advertising Inc) sign;

Nicollet Av S, 3453 (Lawrence Sign Co) sign;

CITY CLERK/SPECIAL PERMITS (268874)

14th St W, 15; Chicago Ave, 3501; Franklin Ave, 711; Hennepin Ave, 824, 1635, 1501, 2605;

Lake St E, 1500; Lake St W, 810; Loring Park; Lyndale Ave, 2822; Nicollet Av S, 1931, 2821 (Minnesota Fringe Festival) decorate sidewalk;

Nicollet Mall, 700 (Marshall Field's) activities promoting Old Fashioned Bargain Days;

University Av NE, 1808 (Pajor Graphics Inc) sign;

University Av NE, 2300 (German Restaurants Inc) tents;

Washington Av N, 607 (Paul Miller) sign.

COUNCIL MEMBER SCHIFF (268878)

Limits on hours for sale of alcoholic beverages: Map with recommended extension to downtown area . (See PS&RS report).

COUNCIL MEMBER ZERBY (268879)

Limits on hours for sale of alcoholic beverages: Map showing recommended amendments to downtown area. (See PS&RS report).

FIRE DEPARTMENT (268875)

2002 Annual Report

PUBLIC HOUSING AUTHORITY, MINNEAPOLIS (268876)

2002 Annual Report.

FILED (See Rep):

Xcel Energy (268877)

Xcel Energy / NSP: Installation of various poles, wires, guys and anchors.

The following reports were signed by Mayor Rybak on 6/25/03, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The **COMMUNITY DEVELOPMENT** Committee submitted the following reports:

Comm Dev— Your Committee, having under consideration issuance of tax-exempt 501(c)(3) bank-qualified, bank-direct, Minneapolis Community Development Agency (MCDA) Revenue Bonds, Series 2003, in an amount not to exceed \$1,950,000, for the City of Lakes Waldorf School, and having held a public hearing on June 10, 2003 thereon, now recommends passage of the accompanying Resolution giving preliminary and final approval to issue said bonds.

Your Committee further recommends that this action be transmitted to the Board of Commissioners of the MCDA.

Adopted 6/20/03.

Resolution 2003R-269, giving preliminary and final approval to issue up to \$1,950,000 in bonds for the City of Lakes Waldorf School, was passed 6/20/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-269

By Goodman

Giving preliminary and final approval to and authorizing a project on behalf of City of Lakes Waldorf School (the "Borrower"), and authorizing the issuance of a revenue obligation of the Minneapolis Community Development Agency therefor.

Whereas, pursuant to Laws of Minnesota 1980, Chapter 595, as amended ("Chapter 595"), the City Council of the City of Minneapolis, Minnesota (the "City") established the Minneapolis Community Development Agency (the "Agency") and granted certain powers and duties to the Agency; and

Whereas, pursuant to such granted powers, the Agency has been authorized to issue revenue bonds or other obligations for the purpose of providing financing or refinancing for the acquisition, construction and installation of projects consisting of properties, real or personal, used or useful in connection with a revenue-producing enterprise, whether or not operated for profit; and

Whereas, it has been proposed that the Agency issue a revenue obligation (the "Note") in an amount not to exceed \$1,950,000 in one or more series to finance and refinance the following costs: (i) refinance certain outstanding indebtedness of the Borrower incurred to acquire a building located at 2344 Nicollet Avenue, Minneapolis Minnesota for use in the educational purposes of the Borrower and finance construction of certain improvements to the building and the acquisition and installation of equipment therein (the "Project"); and (ii) the costs of issuing the Obligations.

Whereas, the Agency expects to give final approval to the issuance of the Note by a resolution to be adopted on the date hereof; and

Whereas, the Note shall bear interest at an interest rate not to exceed five percent (5.00%) per annum, shall have a final maturity date not later than June 1, 2023, and shall have such other terms as required or permitted by the Agency's resolution, which terms are incorporated herein by reference:

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council hereby gives preliminary and final approval to the issuance by the Agency of the Note in the principal amount not to exceed \$1,950,000 for the purpose of financing and refinancing the Project.

That the Note is hereby designated as a "Program Bond" and is determined to be within the "Economic Development Program" and the "Program," all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.

Adopted 6/20/03.

Comm Dev— Your Committee, having under consideration issuance of tax-exempt 501(c)(3) bank-qualified, bank-direct, Minneapolis Community Development Agency (MCDA) Revenue Bonds, Series 2003, in an amount not to exceed \$1,100,000, for Mount Olivet Day Services, and having held a public hearing on June 10, 2003 thereon, now recommends passage of the accompanying Resolution giving preliminary and final approval to issue said bonds.

Your Committee further recommends that this action be transmitted to the Board of Commissioners of the MCDA.

Adopted 6/20/03.

Resolution 2003R-270, giving preliminary and final approval to issue up to \$1,100,000 in bonds for Mount Olivet Day Services, was passed 6/20/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-270

By Goodman

Giving preliminary and final approval to and authorizing a project on behalf of Mount Olivet Day Services (the "Company"), and authorizing the issuance of a revenue bond of the Minneapolis Community Development Agency (MCDA) therefor.

Whereas, pursuant to Laws of Minnesota 1980, Chapter 595, as amended ("Chapter 595"), the City Council of the City of Minneapolis, Minnesota (the "City") established the Minneapolis Community Development Agency (the "Agency") and granted certain powers and duties to the Agency; and

Whereas, pursuant to such granted powers, the Agency has been authorized to issue revenue bonds for the purpose of providing financing for the acquisition, construction and installation of projects consisting of properties, real or personal, used or useful in connection with a revenue-producing enterprise, whether or not operated for profit; and

Whereas, it has been proposed that the Agency issue a revenue bond in the amount of approximately \$1,100,000 (the "Bond") to (i) refinance the Company's existing day care facility in the City and acquire furnishings and equipment for such facility, (ii) acquire and install furnishings and equipment for the Company's leased child care facility (collectively, the "Project"); and

Whereas, the Agency expects to give final approval to the issuance of the Bond by a resolution to be adopted on the date hereof; and

Whereas, the Bond shall bear interest at an initial interest rate not to exceed five percent (5.00%) per annum, shall have a final maturity date not later than December 1, 2023, and shall have such other terms as required or permitted by the Agency's resolution, which terms are to be incorporated herein by reference;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council hereby gives preliminary and final approval to the issuance by the Agency of the Bond in the principal amount of approximately \$1,100,000 for the purpose of financing the Project.

That the Bond is hereby designated as a "Program Bond" and is determined to be within the "Economic Development Program" and the "Program," all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.

Adopted 6/20/03.

Comm Dev - Your Committee recommends concurrence with the recommendation of the Minneapolis Arts Commission to approve City involvement in the visual art exhibition, "Coexistence," which includes 30 art works from around the world, for exhibition during the month of May, 2004, in cooperation with Hennepin County, at no cost to the City.

Adopted 6/20/03.

The **COMMUNITY DEVELOPMENT, TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following report:

Comm Dev, T&PW, W&M/Budget – Your Committee, having under consideration the following recommendations for the Downtown East Municipal Parking Ramp Project:

a) The proper City officers be authorized to execute Change Orders (#14, #15, #16, and #17) for additional work required on the Downtown East Municipal Parking Ramp, increasing Contract #17006 with Penn-Co Construction, Inc, by \$693,458.13, for a new contract total of \$14,875,531.69;

b) Increase the project appropriation by \$316,621, for a new total of \$18,971,121, to cover the balance of project costs;

c) Amend the Finance Plan to include interest earnings on bond proceeds, interest earnings from the Parking Fund loan, and to also include the Minneapolis Community Development Agency (MCDA) Transit-Oriented Development (TOD) allocation to cover said appropriation increase;

d) Reimburse said TOD allocation from proceeds from the sale of air-rights (when available);

e) Waive the City's administrative fee for said project, as initially approved in the original Finance Plan;

f) Approve a capital advance from the MCDA Common Project Reserve Fund, in the amount of \$398,091, for costs insufficiently covered by funding sources initially approved;

g) Passage of the accompanying Resolution amending the 2003 Capital Improvement Appropriation Resolution by increasing the appropriation and revenue estimate for Public Works - Transportation Capital Agency in the Municipal Parking Fund by \$316,621;

h) Passage of the accompanying Resolution approving an Interfund loan of \$398,091 for Downtown East LRT Station Parking Ramp improvements; and

i) Passage of the accompanying Resolution amending the 2003 MCDA Appropriation Resolution to increase the appropriation in Fund CPZ0 (Common Project Reserve) by \$398,091, to increase the appropriation in Fund CDT0 (Downtown East LRT) by \$398,091, and to increase the revenue budget in Fund CDT0 by the same amount;

now recommends:

Comm Dev – That the matter be sent forward without recommendation.

T&PW & W&M/Budget – Approval.

Colvin Roy moved to amend the report to approve the recommendation of the Transportation & Public Works and Ways & Means/Budget Committees and to delete the recommendation of the Community Development Committee. Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 6/20/03.

Yeas, 8; Nays, 4 as follows:

Yeas - Johnson, Colvin Roy, Zimmermann, Zerby, Lilligren, Johnson Lee, Samuels, Ostrow.

Nays - Schiff, Benson, Goodman, Lane.

Declining to Vote - Niziolek.

RESOLUTION 2003R-271
By Colvin Roy and Johnson

Amending The 2003 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Public Works – Transportation Capital Agency in the Municipal Parking Fund (7500-943-9464) by \$316,621, and increasing the Public Works - Transportation Capital Agency revenue estimate in the Municipal Parking Fund (7500-943-9464-Source 3755) by \$316,621 for the Downtown East Municipal Parking Fund.

Adopted 6/20/03.

Yeas, 8; Nays, 4 as follows:

Yeas - Johnson, Colvin Roy, Zimmermann, Zerby, Lilligren, Johnson Lee, Samuels, Ostrow.

Nays - Schiff, Benson, Goodman, Lane.

Declining to vote - Niziolek.

Resolution 2003R-272, approving an Interfund loan for the Downtown East Light Rail (LRT) Station Parking Ramp improvements, was passed 6/20/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-272
By Colvin Roy and Johnson

Approving an Interfund loan for Downtown East Light Rail Transit (LRT) Station Parking Ramp improvements.

Whereas, the Minneapolis Community Development Agency ("MCDA") is undertaking the development of a public plaza on the Downtown East Light Rail Transit (LRT) Station site to provide transit-oriented development (TOD) improvements and station site enhancements in coordination with the development of the Downtown East LRT Station (the "Plaza Improvements"); and

Whereas, the City of Minneapolis ("City"), through its Public Works Department, in coordination with the plaza improvements, is undertaking the construction of a public parking ramp at the Downtown East LRT Station site; and

Whereas, on June 25, 1999, the City Council allocated \$4,000,000 from Fund CPZ0 (Common Project Reserve) for TOD activities; and

Whereas, the MCDA is requesting a capital advance, in the amount of \$398,091, from the MCDA transit-oriented activities allocation within Fund CPZ0 as an interim financing source to pay a portion of the parking ramp construction costs (the "Interfund Loan"); and

Whereas, the Interfund Loan will be repaid from the proceeds from the sale of air rights for the development of a commercial building to be located on the Downtown East LRT Station site; and

Whereas, Minnesota Statutes, Section 469.178, Subd 7, requires that this City Council must approve interfund loans before the Interfund Loan may be made; and

Whereas, the Interfund Loan is subject to the approval of this City Council; and

Whereas, it is deemed in the best interest of this community to approve the Interfund Loan to pay a portion of the parking ramp construction costs;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That pursuant to Minnesota Statutes, Section 469.178, Subd 7, the City Council approves the Interfund Loan to pay plaza improvement costs, subject to the following requirements:

a) The principal amount of the Interfund Loan is \$398,091;

b) There will be no interest charged on the Interfund Loan;

c) The Interfund Loan will be paid from the proceeds from the sale of air rights for the development of a commercial building to be located on the Downtown East LRT Station site;

d) Repayment of the Interfund Loan by the MCDA will be made solely from the proceeds from the sale of the air rights for the development of a commercial building to be located on the Downtown East LRT Station site; and

e) The full faith and credit of this City will not be pledged in any fashion as a source of repayment of the Interfund Loan.

Adopted 6/20/03.

Yeas, 8; Nays, 4 as follows:

Yeas - Johnson, Colvin Roy, Zimmermann, Zerby, Lilligren, Johnson Lee, Samuels, Ostrow.

Nays - Schiff, Benson, Goodman, Lane.

Declining to vote - Niziolek.

RESOLUTION 2003R-273
By Colvin Roy and Johnson

Amending The 2003 Minneapolis Community Development Agency Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by:

a) increasing the appropriation in Fund CPZ0 (Common Project Reserve) by \$398,091 from the projected fund balance; and

b) increasing the appropriation in Fund CDT0 (Downtown East LRT) by \$398,091, and increasing the revenue budget in Fund CDT0 by \$398,091.

Adopted 6/20/03.

Yeas, 8; Nays, 4 as follows:

Yeas - Johnson, Colvin Roy, Zimmermann, Zerby, Lilligren, Johnson Lee, Samuels, Ostrow.

Nays - Schiff, Benson, Goodman, Lane.

Declining to vote - Niziolek.

The **COMMUNITY DEVELOPMENT** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

Comm Dev & W&M/Budget – Your Committee, having under consideration establishment of the North Nicollet Mall Development District No 60, and having held a public hearing on June 10, 2003 thereon, now recommends approval, as amended, to make the following changes to the Minneapolis Community Development Agency (MCDA) staff report dated June 10, 2003:

a) Delete the following language, which is included as the last sentence in Section 2, paragraph 3:

“For purposes of this Development Program, the North Nicollet Mall Development Objectives (Exhibit 2) should be viewed as the preliminary goals to be used in evaluating development proposals with the intent of promoting creative problem solving and fostering enhancement of the public statement of objectives outlined in this Development Program”;

b) Delete the following language from Section 6, paragraph 2, relating to Design Standards:

“as closely as practicable with exceptions allowed only where justified on a case-by-case basis. For purposes of this Development Program, the North Nicollet Mall Development Objectives (Exhibit 2) should be viewed as the preliminary goals to be used in evaluating development proposals with the intent of promoting creative problem solving and fostering enhancement of the public statement of objectives outlined in this Development Program”;

c) Ensure that the boundaries of the Development District are the same as the boundaries of the Development Objectives (deleting the Hansord Pontiac block from the Development District);

d) That staff be directed to solicit representation from the North Loop Neighborhood Association on the North Nicollet Mall Development District Advisory Board and to report back to the Community

Development Committee with a recommendation to amend Resolution No. 2002R-486 to change the board membership by adding the name of the person who has been recommended to serve on said Advisory Board; and

e) Passage of the accompanying Resolution adopting the establishment of the North Nicollet Mall Development District, designating the boundaries thereof, and adopting the Development Program for the District.

Your Committee further recommends that this action be transmitted to the Board of Commissioners of the Minneapolis Community Development Agency (MCDA).

Adopted 6/20/03.

Resolution 2003R-274, adopting the establishment of the North Nicollet Mall Development District, designating the boundaries thereof, and adopting the Development Program for the District, was passed 6/20/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-274
By Goodman and Johnson

Adopting the establishment of the North Nicollet Mall Development District, designating the boundaries thereof, and adopting the Development Program for the District.

Resolved by The City Council of The City of Minneapolis:

Section 1. Recitals

1.01 Pursuant to Laws of Minnesota 1980, Chapter 595, as amended, and the Minneapolis Code of Ordinances, Chapter 422, as amended, (the "Agency Laws") the Minneapolis Community Development Agency (the "Agency") has the authority to propose and implement redevelopment projects, city development districts, redevelopment projects and tax increment financing districts, all pursuant to Minnesota Statutes, Sections 469.001 through 469.047, 469.124 to 469.134, and 469.174 through 469.179, as amended; (collectively, the "Laws").

1.02 As required by Minnesota Statutes, Sections 469.124 through 469.134 (the "Act") as a condition for establishing a development district, the Minneapolis City Council (the "Council") has appointed an Advisory Board as provided in Minnesota Statutes, Section 469.132, consisting of nine members, the majority of whom are owners or occupants of real property located in or adjacent to the proposed development district. The Advisory Board for the proposed development district has been consulted and its advice and recommendations obtained concerning the designation of this development district.

1.03 It has been proposed that the Agency prepare a "development program" as defined in the Act, to reflect the establishment and designation of a development district, designation of boundaries thereof, and project activities, all pursuant to and in accordance with the Act.

1.04 The Agency has caused to be prepared, and this Council has investigated the facts with respect to the proposed development program identified herein as the North Nicollet Mall Development District Plan, (the "Plan") describing more precisely the designation of boundaries thereof, activities to be undertaken, within the area bounded by the project (the "Project Area"), all pursuant to and in accordance with the Act.

1.05 The Agency and the City have performed all actions required by law to be performed prior to the adoption of the Plan, including, but not limited to, a review of the proposed Plan by the affected neighborhood groups and the Planning Commission, transmittal of the proposed Plan to the Mayor of the City of Minneapolis and other interested parties for their review and comment, and the holding of a public hearing after published and mailed notice as required by law.

1.06 Prior to relocation of any displaced persons or businesses, the Agency will provide relocation assistance in accordance with the provisions of the Act and Minnesota Statutes, Chapter 117.

1.07 The Council hereby determines that it is necessary and in the best interests of the City at this time to approve the Plan to reflect establishment and designation of district boundaries, public objectives, and project activities in the Project Area.

Section 2. Findings for the Adoption of the Plan

2.01 The Council hereby finds, determines and declares that the establishment of the Project Area described as the North Nicollet Mall Development District No 60 will provide the City with the ability to achieve certain public purposes, and satisfy certain goals not otherwise obtainable in the foreseeable future without City involvement in the normal development process, and further that the Plan will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the development or redevelopment of the Project Area by private enterprise as the proposed development district will provide impetus for private development, maintain and increase employment, improve the tax base, will better utilize existing transit facilities, and will provide other transit and public facilities outlined in the Plan, and will improve the general economy of the State. Further, it is found that the area within the North Nicollet Mall Development District No 60 is potentially more useful and valuable than is being realized under existing uses, is less productive than is possible under the Plan, and is not contributing to the tax base to its full potential.

2.02 The Council further finds, determines and declares that the Plan conforms to the general plan for the development or redevelopment of the City as a whole. Written comments of the Planning Commission with respect to the Plan were issued, are incorporated herein by reference, and are on file in the office of the City Clerk.

2.03 The Council further finds, determines and declares that the proposed development or redevelopment would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future as the real property within the Project Area has remained undeveloped for approximately 15 years.

2.04 The Council further finds, determines and declares that the development program and actions authorized by the Plan are all pursuant to and in accordance with the Act.

2.05 The Council further finds, determines and declares that it is desirable and in the public interest to establish, develop and administer a development program for the Project Area, and further that it is necessary and in the best interests of the City at this time to create and designate the North Nicollet Mall Development District No 60 in accordance with the development program to be adopted for the development district, and further, to approve the Plan.

Section 3. Approval of the Plan

3.01 Based upon the findings set forth in Section 2 hereof, the North Nicollet Mall City Development District Plan No 60 presented to the Council on this date is hereby approved and shall be placed on file in the office of the City Clerk.

Section 4. Implementation of the Plan

4.01 The officers and staff of the City and the Agency, and the City's and the Agency's consultants and counsel, are authorized and directed to proceed with the implementation of the Plan, and for this purpose to negotiate, draft, prepare and present to this Council for its consideration, as appropriate, all further plans, resolutions, documents and contracts necessary for this purpose.

Adopted 6/20/03.

Comm Dev & W&M/Budget – Your Committee, having under consideration the action of the Neighborhood Revitalization Program (NRP) Policy Board approving the rollover of \$47,657.66 from the approved 2002 NRP Administrative Budget to the approved 2003 NRP Administrative Budget, now recommends approval of the following recommendations:

- a) Rollover of \$47,657.66 from the approved 2002 NRP Administrative Budget to the approved 2003 NRP Administrative Budget;
- b) Amending the 2003 Minneapolis Community Development Agency (MCDA) Appropriation Resolution by increasing the NRP Program Fund (CNR0) by \$47,657.66;
- c) Authorizing the proper City officers to execute the required contracts or agreements necessary to implement this action; and
- d) That this action be transmitted to the Board of Commissioners of the MCDA for authorization to execute the required contracts or agreements.

Adopted 6/20/03.

RESOLUTION 2003R-275
By Goodman and Johnson

Amending The 2003 Minneapolis Community Development Agency Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in Fund CNR0 by \$47,657.66 from the projected fund balance.

Adopted 6/20/03.

Comm Dev & W&M/Budget – Your Committee, having under consideration a request to approve the following recommendations relating to the Lindquist Apartments Project located at 1927-35 West Broadway:

a) A loan from the 2002 Multi-Family Rental and Cooperative Housing Program for Lindquist Apartments, in the amount of \$525,000 (which includes 2002 Levy funds, Community Development Block Grant (CDBG) and HOME funds);

b) Non-profit administrative funding, in the amount of \$30,000, for RS Eden;

c) Passage of the accompanying Resolution amending the 2003 Minneapolis Community Development Agency (MCDA) Appropriation Resolution to increase Fund SCD0 by \$518,599; and

d) That this action be transmitted to the Board of Commissioners of the MCDA;

now recommends:

Comm Dev - that the matter be sent forward without recommendation.

W&M/Budget - Approval.

Johnson Lee moved to amend the report to approve the recommendation of the Ways & Means/Budget Committee and to delete the recommendation of the Community Development Committee. Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 6/20/03. Yeas, 10; Nays, 3 as follows:

Yeas - Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Lane, Samuels, Ostrow.

Nays - Johnson, Benson, Goodman.

RESOLUTION 2003R-276
By Zerby

Amending The 2003 Minneapolis Community Development Agency Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in Fund SCD0 by \$518,599 from the projected fund balance.

Adopted 6/20/03. Yeas, 10; Nays, 3 as follows:

Yeas - Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Lane, Samuels, Ostrow.

Nays - Johnson, Benson, Goodman.

The **HEALTH & HUMAN SERVICES** Committee submitted the following reports:

H&HS - Your Committee, to whom was referred ordinances amending Title 11 of the Minneapolis Code of Ordinances relating to *Health and Sanitation*, incorporating the State rules by reference and increasing the sanitizer levels and lowering the pH levels for pools and whirlpools to reduce bacterial contamination to provide a greater measure of safety in protecting the health of the public, now recommends that the following ordinances be given their second reading for amendment and passage.

- a. repealing Chapter 231 relating to *Public Swimming Pools*; and
 - b. adding a new Chapter 231 relating to *Public Swimming Pool Code*.
- Adopted 6/20/03.

Ordinance 2003-Or-067 repealing Chapter 231 of Title 11 of the Minneapolis Code of Ordinances relating to *Health and Sanitation: Public Swimming Pools*, repealing Sections 231.10 through 231.500, was passed 6/20/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-067
By Johnson Lee
Intro & 1st Reading: 5/16/03
Ref to: H&HS
2nd Reading: 6/20/03

Repealing Chapter 231 of Title 11 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Public Swimming Pools.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Chapter 231 of the Minneapolis Code of Ordinances be and is hereby repealed.

CHAPTER 231. PUBLIC SWIMMING POOLS*

231.10. Scope and purpose. The provisions of sections 231.10 to 231.500 shall apply to all public swimming pools, including wading pools and special purpose pools as hereinafter defined, and all facilities incident thereto. The purpose of sections 231.10 to 231.500 shall be to provide a minimum standard for the design, construction, operation, and maintenance of such pools so that health and safety hazards will be minimized.

A swimming pool which is not capable of complying with the water quality provisions in section 231.400 of these rules must be modified to provide compliance.

231.20. Definitions. Application. The following definitions shall apply in the interpretation and enforcement of sections 231.10 to 231.500. The words "shall" and "must" as used herein indicates a mandatory requirement.

Commissioner.

State commissioner means Minnesota Commissioner of Health or representative thereof. City commissioner means City of Minneapolis Commissioner of Health or representative thereof.

Person means any person, firm, partnership, association, corporation, company, governmental agency, club, or organization of any kind.

Private residential swimming pool means any constructed or assembled swimming pool or portable swimming pool which is used or intended to be used as a swimming pool in connection with group I occupancies as defined in the state building code, and available only to the family of the householder and his guests.

Public swimming pool means any swimming pool, other than a private residential swimming pool, intended to be used collectively by people for swimming or bathing, operated by any person as defined herein, whether he/she be owner, lessee, operator, licensee, or concessionaire, regardless of whether a fee is charged for such use. Public swimming pools include, but are not limited to, those for parks, schools, motels, apartments, clubs, condominiums, hotels, subdivisions, private or public sports facilities, or the like.

Spa pool means a hot water pool intended for seated recreational use that includes a water agitation system in addition to the recirculation system. Spa pool is synonymous with the term "whirlpool."

Special purpose pool means a water slide plunge pool, wave pool, treatment pool, therapeutic pool, whirlpool or spa pool, or cold plunge.

Swimming pool means any structure, chamber, or tank containing an artificial body of water for swimming, diving, relaxation, or recreational bathing, including special purpose pools.

Wading pool means any pool used or designed to be used exclusively for wading or bathing and having a maximum depth of twenty-four (24) inches.

231.30. Submission of plans and specifications. No public swimming pool shall be constructed, nor shall any such swimming pool, now or hereafter existing, used or intended for such use, be materially altered until complete plans and specifications therefore, together with such further information as the state commissioner may require, shall have been submitted to the Minnesota State Health Department in duplicate and approved by the state commissioner so far as sanitary and safety features are concerned. After such plans have been approved by the state commissioner, no modification affecting the sanitary or safety features thereof shall be made without approval of same commissioner.

Plans and specifications must include:

- (A) The name of the facility, its location and address, the name and address of the owner, and the name, address and telephone number of the organization or individual who prepared the plans and specifications.
- (B) A site plan or floor plan, drawn to scale, showing the facility, dimensioned deck areas, fencing or other security provisions, toilet and shower areas, pool equipment location, and any other related facilities.
- (C) Pool plans, drawn to scale, with top and profile views, including dimensions, and all equipment or appurtenances such as skimmers, gutters, inlets, drains, lights, diving boards, slides, ladders, steps, and handrails.
- (D) A detailed recirculation system plan with all pipe sizing, fittings, valves, gauges, and equipment connections.
- (E) A complete equipment list specifying manufacturers, model numbers, and sizes.
- (F) The pool volume, surface area, and design recirculation rate.
- (G) Deck and equipment room plans must include all drains and sumps, deck slopes, and air gaps at discharges to sewer from all deck drains, pool drains, and recirculation system drains.

The pool and facilities shall be built in accordance with the plans as approved unless approval of changes has been given in writing by the state commissioner. The owner or his/her agent shall notify same commissioner at the time of completion of the pool to permit adequate inspection of the pool and related equipment. The pool shall not be placed in operation until such inspection shows compliance with the provisions of sections 231.10 to 231.500

A separate plan submittal is required for each pool site. If construction of the swimming pool has not commenced within one (1) year of the plan approval date, the approval is no longer valid.

231.40. Health and safety. Not more than the maximum design bather load as calculated in section 231.260 shall be permitted in the swimming pool at any one time. The design bather load shall be posted in a conspicuous location.

If plan approval is based on a specified special use of the pool, it must not be used for other uses without specified prior approval by the city commissioner.

No person having or suspected of having a communicable disease (such as but not limited to gastroenteritis, upper pulmonary infection or skin lesions) which could be transmitted through use of the pool shall work at or use any public swimming pool.

Access to the pool shall be controlled by fencing or other effective means acceptable to the state commissioner. Fencing shall meet the following criteria. The fencing shall effectively prevent the entrance of children and be without external hand or footholds that would enable a child to climb over it. The fencing shall be at least five (5) feet high except in wading pools which shall be at least forty-eight (48) inches high and entrances shall be equipped with a self-closing, latching gate which is capable of being locked. Existing forty-two (42) inches fences around wading pools may be kept in use until replaced. Existing four (4) foot high fences around pool may be kept in use until altered or replaced. Latches shall be at least four (4) feet above the ground on new installations except wading pool latches which shall be as high as possible. The maximum opening permitted in the fence, or clearance below, is two (2) inches. Chain link fence may be used if openings in the fabric do not exceed one and one-half (1 1/2) inches.

Instructions regarding emergency calls shall be prominently posted. Where a phone is not provided in the pool area, the sign must state the location of the nearest phone available, and the emergency number.

The maximum permitted water temperature in any pool is one hundred four (104) degrees Fahrenheit.

All containers used for chemicals shall be kept in a secured location, not accessible to the bathers, and shall be labeled with manufacturers complete label and stored in accordance with manufacturers label directions. Equipment room and storage areas shall be kept clean.

No animals are permitted within the pool enclosure.

Devices, equipment, or objects which could be used for climbing or swinging above the water surface other than complying diving boards, diving platforms, starting blocks, or slides are not permitted.

231.60. Operator of the pool. No person shall operate any public swimming pool unless such swimming pool is under the supervision of a certified operator who shall be responsible for compliance with all provisions of sections 231.10 to 231.500 relating to pool operation, maintenance, and safety of bathers. Pool operators shall be certified by May 1, 1994 through city operated certification, by National Swimming Pool Foundation, or other certification as accepted by the city commissioner.

The operator of each pool shall keep a daily record of information regarding operation as specified in section 231.420, together with other data as may be required by the city commissioner.

231.70. Water supply. The water supply serving the swimming pool and all plumbing fixtures including drinking fountains, hand washing facilities, and showers shall meet the requirements of the city commissioner for potable water. Where strict compliance with the requirement that the water supply serving the swimming pool be of potable quality is not possible or reasonable, the city commissioner may grant a variance which does not endanger the health and safety of the users of the pool.

All portions of the water distribution system serving the swimming pool and auxiliary facilities shall be protected against backflow. Water introduced into the pool, either directly or to the recirculation system, shall be supplied through an air gap (Minnesota Plumbing Code, sections 4715.2000 to 4715.2170), or shall be protected by a suitable backflow preventer (Minnesota Plumbing Code, sections 4715.2000 to 4715.2170).

231.80. Sewer system. The sewer shall be adequate to serve the facility, including bathhouse, locker room, and related accommodations, and shall conform to the standards of the state commissioner and the Minnesota Pollution Control Agency.

There shall be no direct physical connection between the sewer system and any drain from the swimming pool or recirculation system. Any swimming pool or gutter drain or overflow from the recirculation system when discharged to the sewer system, storm drain, or other approved natural drainage course shall connect through a suitable air gap or air break so as to preclude the possibility of backup of sewage or waste into the swimming pool or piping system. Valves and/or pumps used for draining swimming pools shall be sized or designed to prevent the surcharging of the sanitary sewer.

The sanitary sewer serving the swimming pool auxiliary facilities shall discharge into the public sewer system.

231.90. Inspection. The city commissioner or his/her representative is authorized to conduct such inspections as deemed necessary to ensure compliance with all provisions of sections 231.10 to 231.500 and shall have right of entry, at any reasonable hour, to the swimming pool for this purpose.

231.100. Construction materials. Swimming pools and all appurtenances thereto shall be constructed of materials that are inert, nontoxic to man, impervious, permanent, and enduring; which can withstand the design stresses; which will provide a tight tank with a smooth and easily cleaned surface, or to which a smooth, easily cleaned surface finish can be applied, and which may be finished in white or light color. Construction prohibited by this section would include, but is not limited to vinyl liner pools and wood construction of the tank.

Swimming pool finish, including bottom and sides, shall be of white or light colored material, nontoxic to humans, with a smooth finished surface, without cracks, bonded to the supporting members, excluding structural expansion joints.

231.110. Design, detail, and structural stability. All swimming pools shall be designed and constructed to withstand all anticipated loading for both full and empty conditions. A hydrostatic relief valve and/or a suitable underdrain system shall be provided in areas having a high water table. The designing architect or engineer shall be responsible for the structural stability and safety of the pool.

No limits are specified for length and width of swimming pools, except that swimming pools used for competition should meet required dimensions, and the requirements for the diving area as shown in section 231.450 shall be observed. Consideration shall be given to shape from the standpoint of safety and the need to facilitate supervision of bathers using the pool.

The shape of any swimming pool shall be such that the circulation of pool water and control of swimmers' safety are not impaired. There shall be no underwater or overhead projections or obstructions which would endanger bather safety or interfere with proper pool operation.

All corners formed by the intersection of walls, and of walls and floors, shall be rounded, with at least a one (1) inch radius.

Fountains, sprays, or similar features may be approved by the state commissioner only in areas of two (2) feet or less of water depth.

Provisions shall be made for complete, continuous circulation of water through all parts of the swimming pool. All swimming pools shall have a recirculation system with necessary treatment and filtration equipment as required in this regulation. Nothing in this part shall prohibit the use of so-called flow-through type swimming facilities constructed in accordance with the rules of the state commissioner.

Wading facilities for children shall be physically separated from the swimming pool and be provided with a separate recirculation system.

231.120. Depth of water in the pool. The minimum depth of water in the swimming pool shall be three (3) feet except for special purpose pools. A zero (0) depth pool may be approved by the state commissioner only where continuous lifeguard service is provided, and it must have a barrier, such as stanchions and ropes to restrict access from the deck to the pool where the water depth is less than three (3) feet.

231.130. New equipment. All new equipment installed after the effective date of sections 231.10 to 231.500 shall comply with standards No. 50 of the National Sanitation Foundation, Circulation System Components, November 1985 or newer, certified copies of which are on file in the office of the City Clerk and City Commissioner.

231.140. Depth markings and lines. Depth of water shall be plainly marked in feet and inches on the edge of the deck or walk next to the pool, at maximum and minimum points, at the points of change of slope between the deep and shallow portions and at intermediate increments of depth, spaced at not more than twenty-five (25) foot intervals. This section does not prohibit the placement of depth markings on the pool wall which are in addition to those required on the deck.

Depth markings shall be numerals and letters of four (4) inches minimum height and of a color contrasting with the background. Markings shall be on both sides and ends of the pool. Lane lines or other markings on the bottom of swimming pools used for competition shall be a minimum of ten (10) inches in width and of a contrasting color.

Pools and sections of pools which do not comply with the depth requirements for diving in section 231.450 must have the words "No Diving" located between the depth markers on the deck. The words must be in legible letters not less than four (4) inches high and of a color contrasting with the background. This does not apply to spa pools, wading pools, or flume plunge pools.

Where a transition to a steeper bottom slope exceeding one (1) in ten (10) occurs the transition must be marked on the bottom and walls of the pool by a stripe of black or other contrasting color which is at least six (6) inches wide.

231.150. Inlets and outlets. (1) *Outlet.* All swimming pools shall be provided with an outlet at the deepest point to permit the pool to be completely and easily emptied. Openings must be covered by a proper grating which is not readily removable by bathers. Outlet openings of the grating in the floor of the pool shall be at least four (4) times the area of discharge pipe or provide sufficient areas so the maximum velocity of the water passing the grate will not exceed one and one-half (1 1/2) feet per second. The maximum width of grate openings shall be of one-half (1/2) inch. Where a single outlet is used, it must be at least one hundred (100) square inches in size, or have an antivortex cover. In swimming pools with deep water at or near one end, multiple outlets shall be provided where the width of the pool is more than thirty (30) feet. In such cases, outlets shall be spaced not more than thirty (30) feet apart, nor more than fifteen (15) feet from side walls.

(2) *Inlets.* Inlets for fresh and/or repurified water shall be located to produce uniform circulation of water and to facilitate the maintenance of a uniform disinfectant residual throughout the entire swimming pool without existence of dead spots. Inlets from the circulation system shall be flush with the pool wall and submerged at least twelve (12) inches below the water level. No over-the-rim fill spout will be accepted unless located under a diving board or installed in a manner approved by the state commissioner so as to remove any hazard. Makeup-water spouts shall terminate at least six (6) inches above the fill rim of the pool or surge tank.

(3) *Adjustable inlets.* Directionally adjustable inlets shall be located in conjunction with proposed methods of recirculation to provide effective and uniform circulation of the incoming water throughout the pool and prevent unnecessary dead spots. The maximum spacing of inlets shall be twenty (20) feet based on the pool perimeter. In swimming pools with surface areas greater than one thousand six hundred (1,600) square feet or length in excess of sixty (60) feet, side inlets shall be placed at fifteen (15) foot intervals around the entire perimeter. In any case, an adequate number of inlets shall be provided, properly spaced and located to accomplish complete and uniform recirculation of water and maintenance of a uniform disinfectant residual at all time. Each inlet shall be designed as an orifice subject to adjustment or shall be provided with an individual gate or similar valve to permit adjustment of water volume to obtain the best circulation.

231.160. Slope of bottom. The slope of the bottom of any portion of the swimming pool having a water depth of less than five (5) feet shall not be more than one (1) foot in ten (10) feet, and said slope shall be uniform. In portions with a depth greater than five (5) feet the slope shall not exceed one (1) foot in three (3) feet.

231.170. Side walls. Walls of a swimming pool shall be either vertical for water depths of at least six (6) feet; or vertical for a distance of three (3) feet below the water level, below which the wall may be curved to the bottom with a radius not greater than the difference between the depth at that point and three (3) feet, provided that vertical is interpreted to permit slopes not greater than one (1) foot, horizontally, for each five (5) feet of depth of sidewall (eleven (11) degrees from vertical).

A ledge along the pool wall within the pool is permitted only where necessary as part of the sidewall construction. It must be: at least two (2) feet six (6) inches below the water surface, not over four (4) inches wide, sloped into the pool, and marked to be easily visible.

231.180. Overflow gutters. Overflow gutters shall extend completely around the swimming pool except at steps or recessed ladders. The overflow gutter shall also serve as a handhold. This gutter shall be capable of continuously removing fifty (50) percent or more of the recirculated water and returning it to the filter. All overflow gutters shall be connected to the recirculation system through a properly designed surge tank. The total surge capacity of the system must be at least one (1) gallon per square foot of water surface. If some of the surge capacity is within the gutter system, the system must be able to carry fifty (50) percent of the recirculation flow while maintaining the surge capacity. Automatic water level control must be provided such that there will be automatic and continuous skimming at the gutter lip during quiescence. The gutter, drains, and return piping to the surge tank shall be designed to rapidly remove overflow water caused by recirculation, displacement, wave action, or other cause produced from maximum pool bathing load. Spacing of drainage outlets shall not be more than fifteen (15) feet. The opening into the gutter beneath the coping shall not be less than four (4) inches wide with a depth of at least three (3) inches. Where large gutters are used, they shall be designed to prevent entrances or entrapment of bathers' arms or legs. The overflow edge or lip shall be rounded and not thicker than two and one-half (2 1/2) inches for the top two (2) inches. The overflow outlets shall be provided with outlet pipes which shall have a clear opening in the grating at least equal to one and one-half (1 1/2) times the cross sectional area of the outlet pipe.

Nothing in this section shall preclude the use of roll-out or deck-level-type swimming pools. The design of the curb and handhold shall conform to standards set out in section 231.190, and the approval of the state commissioner shall be based on detailed review of this feature of construction and evaluated in the light of proposed use of the pool.

231.190. Skimmers. (1) *Provision for use of skimmers.* Skimmers are permitted on public swimming pools provided approved handholds are installed and sufficient motion to the pool water is induced by the pressure return inlets. At least one (1) skimming device shall be provided for each four hundred (400) square feet of water surface area or fraction thereof. Where two (2) or more skimmers are

required, they shall be so located as to minimize interference with each other and to insure proper skimming of the entire pool surface. Handholds shall consist of bull-nosed coping not over two and one-half (2 1/2) inches thick for the outer two (2) inches, or be of an equivalent approved type. (If brick coping is used, it must be completely rounded on the pool side, and must have a one and one-half (1 1/2) to two (2) inch overhang. The coping brick must slope away from the pool at least one-half (1/2) inch over the length of the brick.) The handholds must be no more than nine (9) inches above the normal water line. Skimming devices shall be built into the pool wall, shall develop sufficient velocity on the pool water surface to induce floating oils and wastes into the skimmer from the water surface of the entire pool area, and shall meet the general specifications in subd. 2 to 5:

(2) *Design.* The piping and other pertinent components of skimmers shall be designed for a total capacity of at least eighty (80) percent of the required filter flow of the recirculation system, and no skimmer shall be designed for a flow-through rate of less than thirty (30) gallons per minute. The skimmer shall be of sturdy, corrosion-resistant materials:

(3) *Skimmer weir.* The skimmer weir shall be automatically adjustable and shall operate freely with continuous action to variations in water level over a range of at least four (4) inches. The weir shall operate at all flow variations as described in this part. The weir shall be of such buoyancy and design as to develop an effective velocity:

(4) *Screen.* An easily removable and cleanable basket or screen through which all overflow water must pass shall be provided to trap large solids:

(5) *Prevention of airlock.* The skimmer shall be provided with an equalizer pipe to prevent airlock in the skimmer suction line. It shall be sized to meet the capacity requirements of the filter and pump and shall in no case be less than two (2) inches in diameter. This pipe shall be located at least one (1) foot below the lowest overflow level of the skimmer. It shall be provided with a valve or equivalent device that will remain tightly closed under normal operating conditions, but will automatically open when the water level drops as much as two (2) inches below the lowest weir level. Equalizer pipe may be omitted on pools with automatic water level control and spa pools with less than one thousand (1,000) gallon capacity:

231.200. Recirculation systems. (1) *System.* A recirculation system, consisting of overflow gutters or skimmers, main drain(s), inlets, pumps, piping, filters, water conditioning, and disinfection equipment, and other accessory equipment shall be provided which will clarify and disinfect the swimming pool volume of water in six (6) hours or less, thus providing a minimum turnover of at least four (4) times in twenty-four (24) hours, except that the recirculation rate shall be increased to provide a two (2) hour turnover for wading and special purpose pools, unless a different rate is specified elsewhere in these rules for a specific type of special purpose pool. (See 231.460, subd. 2). Diving pools may use a six (6) hour turnover in lieu of a two (2) hour turnover. Zero depth pools, when permitted, must have a four (4) hour turnover and utilize a system of bottom inlets in the shallow area:

The pumps, filter, disinfectant and chemical feeders, and related appurtenances shall be kept in operation at all times during the swimming season unless approved by the city commissioner:

The recirculation system shall include a strainer to prevent hair, lint, etc., from reaching the pump and filters. Strainers shall be corrosion-resistant with openings not more than one-eighth (1/8) inch in size providing a free flow area at least four (4) times the area of the pump suction line and shall be readily accessible for frequent cleaning:

(2) *Piping.* All piping shall be designed to reduce friction losses to a minimum and to carry the required quantity of water at a maximum velocity not to exceed six (6) feet per second for suction piping, and eight (8) feet per second for discharge piping. Piping shall be of nontoxic material, resistant to corrosion, and able to withstand operating pressures. Pipes shall be identified by a color code, tags, or other acceptable markings:

(3) *Cleaning system.* A vacuum-cleaning system which is capable of cleaning the entire swimming pool shall be provided, except that it is not required for special purpose pools with less than seventy-five (75) square feet of water surface:

(4) *Rate-of-flow indicator.* A rate-of-flow indicator, reading in gallons per minute, shall be installed and located, preferably on the swimming pool return line, so that the rate of recirculation and backwash rate will be indicated. The indicator shall be capable of flows measuring at least one and one-half (1 1/2) times the design flow rate, shall be accurate within ten (10) percent of true flow, and shall be easy to read:

(5) *Pumps.* Pumps shall be of adequate capacity to provide the required number of turnovers of swimming pool water as specified in this section, and whenever possible shall be so located as to eliminate the need for priming. If the pump or suction piping is located above the overflow level of the pool, the pump shall be self-priming. The pump or pumps shall be capable of providing flow adequate for the backwashing of filters. Under normal conditions the pump or pumps shall supply the recirculation rate of flow at a dynamic head of at least fifty (50) feet for pressure sand type filters or at least eighty (80) feet for pressure diatomaceous earth type filters.

(6) *Heaters.* Swimming pools equipped with heaters shall have a fixed thermometer in the recirculation line near the outlet to the pool.

(7) *Valves.* Valves shall be provided on main drain and skimmer lines to permit balancing of the recirculation flow.

231.210. Ladders, recessed treads, and stairs. (1) *Where provided in the pool.* Steps or ladders shall be provided at the shallow end of the swimming pool if the vertical distance from the bottom of the pool to the deck or walk is over two (2) feet. Recessed steps or ladders shall be provided at the deep portion of the swimming pool, and, if the pool is over thirty (30) feet wide, such steps or ladders shall be installed on each side.

(2) *Steps.* Steps leading into the swimming pool shall be of nonslip design, and have a minimum tread of twelve (12) inches and a maximum rise or height of ten (10) inches. The leading edge of step treads must be identified by use of a contrasting color. There shall be no abrupt drop-off or submerged projections into the pool, unless guarded by handrails. At least one (1) sturdy handrail, reachable from the pool bottom, must be provided for all steps. At least two (2) rails must be provided when the steps are over six (6) feet wide, or additional rails are needed to define the location of the steps.

(3) *Ladders.* Swimming pool ladders shall be corrosion-resistant and shall be equipped with nonslip treads. All ladders shall be so designed as to provide a handhold and shall be rigidly installed. There shall be a clearance of not more than five (5) inches nor less than three (3) inches between any ladder and the pool wall. If steps are inserted in the walls or if stepholes are provided, they shall be of such design that they may be cleaned readily and shall be arranged to drain into the pool to prevent the accumulation of dirt thereon. Stepholes shall have a minimum tread of five (5) inches and a minimum width of fourteen (14) inches.

(4) *Handrails.* Where stepholes or ladders are provided within the swimming pool, there shall be a handrail at the top of both sides thereof, extending over the coping or edge of the deck.

(5) *Diving boards.* Supports, platforms, and steps for diving boards shall be of substantial construction and of sufficient structural strength to carry safely the maximum anticipated loads. Steps shall be of corrosion-resistant material, easily cleanable, and of nonslip design. Handrails shall be provided at all steps and ladders leading to diving boards more than one (1) meter above the water. Platforms and diving boards which are over one (1) meter in height shall be protected with guard railings.

231.220. Decks and walkways. A continuous deck, free from obstructions, at least five (5) feet (and preferably eight (8) or more feet) wide shall extend completely around the swimming pool except as permitted in 231.460 subp 7. item B. The deck shall be sloped away from the pool to drain and shall have a nonslip, nonabsorbent surface. Deck drains connected to the recirculation system or gutters shall be prohibited on outdoor swimming pools. In deck areas where carpeting is used, the deck shall be so designed and constructed as to provide adequate drainage and convey all water away from carpeted areas. The carpeting shall not, in any case, be permitted within ten (10) feet of the pool, unless it is outside the required deck area, and separated from the deck by an effective barrier. Wood decks are prohibited. A minimum ceiling clearance of seven (7) feet is required above all pool decks; however, greater heights are recommended. Where diving boards are provided, clearances must comply with section 231.230.

231.230. Diving areas. The dimensions of the swimming pool and appurtenances in the diving area shall conform to section 231.450.

There shall be a completely unobstructed clear distance of sixteen (16) feet above the diving board measured from the center of the front end of the board, and this area shall extend at least eight (8) feet behind, eight (8) feet to each side, and sixteen (16) feet ahead of the measuring point.

231.240. Starting blocks or platforms. Starting blocks or platforms located in pool areas not meeting the requirements for diving given in section 231.450 must be removed when the swimming pool

is used for other than competitive swimming or training for competitive swimming. For new installations, all starting blocks or platforms must be located at a water depth of five (5) feet or greater.

231.250. Swimming pool slides. Swimming pool slide construction and installation must comply with the United States Consumer Products Safety Commission Standards (Volume 41, No. 12) published in the Federal Register January 19, 1976.

231.260. User loading. For the purposes of computing user loading, those portions of the swimming pool five (5) feet or less in depth shall be designated as "nonswimming" areas. Swimmer and bather capacity shall be determined as follows:

- (A) One (1) person is permitted for each fifteen (15) square feet of pool water surface in the nonswimming area; defined as the area of the pool that is five (5) feet or less in depth.
- (B) One (1) person is permitted for each twenty-five (25) square feet of pool water surface in the swimming area; defined as the area of the pool that is greater than five (5) feet in depth.
- (C) Three hundred (300) square feet of pool water surface area shall be reserved around each diving board, diving platform or slide, and this area shall not be included in computing the area of the swimming section.

The city commissioner shall make additional allowance for bathers in cases of swimming pools with extensive deck areas used by patrons for lounging or sunbathing provided there are adequate sanitary fixtures.

Spa pools must be limited to one (1) bather for each three (3) feet of seating space provided in the pool.

231.270. Sand type filters. (1) *Requirements.* The requirements in subdivisions 2 to 9 are equally applicable to either gravity or pressure sand type filters.

(2) *Pressure sand type filters.* Pressure sand type filters shall be designed for a filter rate of three (3) gallons per minute per square foot of bed area at time of maximum head loss, with sufficient area to meet the design rate of flow required by the prescribed turnover. The design filtration rate for high-rate sand filters shall not be in excess of twenty-five (25) gallons per minute per square foot of bed area. Also, high-rate sand filters shall meet or be equal to the standards of the National Sanitation Foundation as specified in section 231.130.

(3) *Filtering material.* Filtering material shall consist of screened, sharp filter sand with an effective size between 0.4 and 0.55 mm, and a uniformity coefficient not exceeding 1.75, supported by at least ten (10) inches of graded filter gravel. Filter material must be at least twenty (20) inches deep for standard pressure sand filters, and at least twelve (12) inches deep for high-rate sand filters. Anthracite having an effective size between 0.6 and 0.8 mm, with a uniformity coefficient of not greater than 1.8 may be used in lieu of the sand. The gravel shall effectively distribute water uniformly during filtration and backwashing. A reduction in this depth or an elimination of gravel may be permitted where equivalent performance and service are demonstrated.

(4) *Underdrain system.* The underdrain system shall be of corrosion-resistant and enduring material, and so designed that the orifices or other openings will maintain approximately constant area. It shall be designed to provide even collection or distribution of the flow during filtration and backwashing.

(5) *Freeboard.* Adequate freeboard shall be provided between the upper surface of the filter media and the lowest portion of the pipes or drains which serve as overflows during backwashing to prevent loss of filter material.

(6) *Filter system.* The filter system shall be provided with influent and effluent pressure gauges or a filter mounted pressure gauge, backwash sight glass on the waste discharge line, and an air-relief valve at or near the high point of the filter. The filter system shall be designed with necessary valves and piping to permit:

- (a) Filtering to swimming pool;
- (b) Individual backwashing of filters to waste at a rate of not less than fifteen (15) gallons per minute per square foot of filter area;
- (c) Isolation of individual filters for repairs while other units are in service;
- (d) Complete drainage of all parts of the system;
- (e) Necessary maintenance, operation, and inspection in a convenient manner.

(7) *Access to filters.* Each pressure type filter tank shall be provided with an access opening of adequate size to permit maintenance.

(8) *Dosage cover.* Devices with reasonably accurate dosage control features shall be provided if coagulants are added ahead of filters.

(9) *Tank.* On pressure type filters, the tank and its integral parts shall be constructed of substantial material capable of withstanding continuous anticipated usage, and shall be designed for a pressure safety factor of four (4) based on the maximum shutoff head of the pump. The shutoff head for design purposes shall in no case be considered less than fifty (50) pounds per square inch.

231.280. Diatomaceous earth type filters. (1) *Area.* Sufficient filtering area shall be provided to meet the design pump capacity as required by this section.

Filtering area, where fabric is used, shall be determined on the basis of effective filtering surfaces as created by the septum supports, with no allowances for areas of impaired filtration, such as broad supports, folds, or portions which may bridge.

(2) *Rate of filtration.* The design rate of filtration shall not be greater than two (2) gallons per minute per square foot of the effective filtering area without continuous body feed, and not greater than 2.5 gallons per minute per square foot with continuous body feed.

(3) *Use of a body feeder.* If a body feeder is required, the device shall be accurate within ten (10) percent and dependable, and shall be capable of continually feeding within a calibrated range, adjustable from two (2) to six (6) ppm, at the design capacity of the recirculation pump. The feeding of a diatomaceous earth through skimmers is prohibited.

(4) *Construction of the filter.* The filter and all component parts shall be of such materials, design, and construction as to withstand normal continuous use without significant deformation, deterioration, corrosion, or wear which could adversely affect filter operation. The filter shall be so designed and constructed, or provision made, to preclude the introduction of appreciable quantities of filter-aid into the pool during precoating operations.

Where dissimilar metals, which may set up galvanic electric currents, are used in the filters, provision shall be made to resist electrolytic corrosion. The filters shall be designed in such a manner that they may be easily disassembled, with allowances made for adequate working space above and around the filter to permit the removal and replacement of any part and proper maintenance.

All filters shall be equipped for cleaning by one (1) or more of the following methods: back-washing, air-bump-assist back-washing, spray wash (mechanical or manual), or agitation.

(5) *Construction of the tank.* The tank containing the filter elements shall be constructed of steel, plastic, or other suitable material, which will satisfactorily provide resistance to corrosion, with or without coating. Pressure type filters shall be designed for a minimum working pressure of fifty (50) pounds per square inch with a four (4) to one (1) safety factor. Vacuum type filters shall be designed to withstand the pressure developed by the weight of the water contained therein, and closed vacuum type filters shall, in addition, be designed to withstand the crushing pressure developed under a vacuum of twenty-five (25) inches of mercury with a safety factor of 1.5 in both instances. The septa or elements which support the filter-aid shall be of corrosion-resistant material. The septa shall be constructed to be resistant to rupture under conditions of the maximum differential pressure between influent and effluent which can be developed by the circulating pump, and be of adequate strength to resist any additional stresses developed by the cleaning operation.

(6) *Filter plant.* The filter plant shall be provided with such pressure, vacuum, or compound gauges as are required to indicate the condition of the filter. In vacuum type filter installations where the circulating pump is two (2) horsepower or higher, an adjustable high vacuum automatic shutoff shall be provided to prevent damage to the pump by cavitation.

(7) *Rapid draining of the filter.* Provisions shall be made for completely and rapidly draining the filter.

231.290. Cartridge type filters. Cartridge type filters shall be sized for a maximum flow rate of .375 gpm/sf. A pressure gauge and an air relief valve must be provided. A spare set of cartridges must be provided, and kept on hand at all times.

231.300. Disinfectant and chemical feeders. The swimming pool shall be equipped with a chlorinator, hypochlorinator, or other disinfectant feeder or feeders which meet the following requirements. They shall be of sturdy construction and materials which will withstand wear, corrosion, or attack by disinfectant solutions or vapors and which are not adversely affected by repeated regular adjustments or other conditions anticipated in the use of the device. The feeder shall be capable of being easily disassembled for cleaning and maintenance. The design and construction shall be such as to preclude

stoppage from chemicals intended to be used or foreign materials that may be contained therein. The feeder shall incorporate failure-proof features so that the disinfectant cannot feed directly into the swimming pool, the pool piping system, water supply system, or the swimming pool enclosure under any type of failure of the equipment or its maintenance.

They shall be capable of supplying at least the equivalent of one (1) pound of chlorine per eight (8) hours in each ten thousand (10,000) gallons of swimming pool capacity under conditions of operation to be anticipated at the proposed installation. They shall have a graduated and clearly marked dosage adjustment to provide flows from full capacity to twenty-five (25) percent of such capacity. The device shall be capable of continuous delivery with ten (10) percent of the dosage at any setting.

When the disinfectant is introduced at the suction side of the pump, a device or method shall be provided to prevent air lock of the pump or recirculation system.

231.310. Use of chlorine gas. When compressed chlorine gas is used, the following additional features shall be provided:

- (a) The chlorine and chlorinating equipment shall be in a separate mechanically ventilated room, or a secured outside enclosure not over two (2) feet in depth, which is vandal resistant and naturally ventilated by means of openings in the upper and lower parts of the enclosure. When mechanical ventilation is installed, it must provide one (1) air change per minute when the room is occupied. The fan must be controlled by a switch located outside the room, and it must draw air from near the floor through a duct which terminates outside at a safe location. Fresh air must be allowed to enter in the upper part of the room. Such rooms shall not be below ground level and shall be provided with vents near the floor which terminate out-of-doors. The door of the room or enclosure shall not open to the swimming pool, and shall open to the outside. The door shall be labeled "DANGER—GAS CHLORINE" in letters at least four (4) inches in height. City Commissioner approval shall be obtained for a variance of this item.
- (b) The chlorinator equipment shall be of rugged design, capable of withstanding wear without developing leaks.
- (c) All chlorine cylinders shall be anchored to prevent their falling over. A valve stem wrench shall be maintained on the chlorine cylinder so that the supply can be shut off quickly in the case of an emergency. The valve protection hood shall be kept in place except when the cylinder is connected.
- (d) The chlorine-feeding device shall be designed so that during accidents or interruptions of the water supply leaking chlorine gas will be conducted to the out-of-doors.
- (e) The chlorinator shall be a vacuum-operated solution-feed type, capable of delivering chlorine at its maximum rate without releasing chlorine gas to the atmosphere.
- (f) The chlorinators shall be designed to prevent the backflow of water into the chlorine solution container.
- (g) A gas mask designed for use in a chlorine atmosphere and of a type approved by the United States Bureau of Mines or the National Institute of Occupational Safety and Health shall be provided. In addition, replacement canisters shall be provided and a record shall be kept of gas mask usage to ensure that the mask will be serviceable when needed.
- (h) The gas mask shall be kept in a closed cabinet, accessible without a key, located outside of the room or cabinet in which the chlorinator is maintained.
- (i) Installation of chlorinator equipment and operation thereof shall be under the supervision of personnel experienced with installation and operation of such equipment.

231.320. Use of hypochlorite solution. When a hypochlorite solution is used to be fed through hypochlorinator equipment:

- (a) Feed shall be continuous under all conditions of pressure in the circulation system, and without artificial constriction of the pump suction line, whether this line is under vacuum or pressure head;
- (b) Regulation shall be provided to ensure constant feed with varying supply or back pressure;
- (c) Positive features shall be provided for preventing backflow from the recirculation system to the solution container and for reducing to a minimum the entry into the swimming pool of free calcium released from calcium hypochlorite; and
- (d) Means shall be provided to prevent siphoning of hypochlorite solution when the recirculation pump

and hypochlorinator are both turned off. (This applies to above-swimming-pool-level installations only.)

231.330. Use of erosion type feeders. An erosion-type feeder shall meet the following requirements:

- (a) Have sufficient capacity for achieving the required disinfectant residual;
- (b) Be easily adjustable in output rate; and
- (c) Be capable of continuous operation.

231.340. Equipment for chemicals. Equipment and piping used to apply chemicals to the water shall be of such size, design, and material as to be nonclogging and easily cleanable; equipment of the positive displacement type is preferred. All material used for such equipment and piping shall be resistant to action of chemicals to be used therein. Protective equipment recommended by the chemical manufacturer must be provided for safe handling of any chemical.

231.350. Lighting, ventilation, and electrical requirements. Lights shall be located to provide illumination so that all portions of the pool, including the bottom, may be readily seen without glare. Where underwater lighting is used, not less than 0.5 watts shall be employed per square foot of swimming pool water surface.

Area lighting shall provide at least ten (10) footcandles of illumination at all locations on the pool surface and on the deck within five (5) feet of the pool whenever the pool is available for use. Pools used for educational, training, or competition purposes must be provided with at least thirty (30) footcandles of illumination at the locations specified above.

All electrical installations shall conform with the applicable provisions of the latest edition of the National Electrical Code (article 680), as provided for in Minnesota Statutes, section 316.243 (1969) and the code of the Board of Electricity.

All indoor swimming pools, bathhouses, dressing rooms, shower rooms, and toilet spaces shall be adequately ventilated by mechanical means. For new installations, ventilation shall comply with the requirements of the Minnesota Building Code.

Pool equipment rooms must have natural or mechanical ventilation.

231.360. Maintenance requirements. The swimming pool, swimming pool equipment, and appurtenances shall be maintained in a satisfactory operating condition.

231.370. Dressing rooms. Bathhouses to be used simultaneously by both sexes shall be divided into two (2) parts separated by a tight partition, and must be designated for men or women. The entrances and exits shall be screened to break line of sight. Bathhouse floors shall be of a smooth finished material with a nonslip surface, impervious to moisture, and sloped to a drain. Junctions between walls and floors shall be coved. Walls and partitions shall be of smooth, impervious material, free from cracks or open joints. Lockers shall be set either on solid masonry bases four (4) inches high or on legs, with the bottom of the locker at least ten (10) inches above the floor. Lockers shall be properly vented.

The rules relating to bathhouses, dressing rooms, toilet facilities, and showers may be waived when such facilities are conveniently available to swimming pool patrons. However, when toilet facilities are accessible to pool users in the pool area, they must be accompanied by shower facilities.

Toilet and shower facilities shall be maintained in a clean and sanitary condition as defined in section 188.10.

231.380. Toilets and showers. Toilet, handwashing and shower facilities shall be provided on the basis of the following fixture schedule. Fixture schedules should be increased for swimming pools at schools or similar locations where bather loads may reach peaks due to schedules of use.

TABLE INSET:

	First	First	Additional	Additional
	300	300	Males	Fe-
	300	Fe-	Over	males
	Males	males	300	Over
Toilet	1/100	1/50	1/200	1/100
Urinals	1/100	—	1/200	—
Hand Wash Fixture	1/100	1/100	1/200	1/200
Showers	1/50	1/50	1/50	1/50

Drinking Fountain—Minimum of one (1) to be located in swimming pool area for pools over one thousand six hundred (1,600) square feet.

The layout of the bathhouse shall be such that the bathers on leaving the dressing room pass the toilets and showers enroute to the swimming pool. Showers shall be supplied with water at a temperature of at least ninety (90) degrees Fahrenheit at a rate of at least 2.5 gallons per minute. Thermostatic, tempering, or mixing valves shall be installed, if necessary, to prevent scalding of the bathers. The floor finish between the toilet and shower areas and the pool must be nonslip and nonabsorbent. At least one (1) shower must be available to all pool users which is conveniently accessible to the pool area when sauna or exercise facilities are provided. Toilet facilities which are used by pool users must include showers which permit taking a cleansing shower/bath in the nude.

231.390. Safety requirement: lifesaving equipment. (1) *Use of lifeguard platform.* Swimming pools operated primarily for unorganized use and having an area of more than two thousand two hundred and fifty (2,250) square feet of water surface area shall be provided with an elevated lifeguard platform or chair. In pools with four thousand (4,000) square feet or more of water surface area, additional elevated chairs or stations shall be provided, located so as to provide a clean unobstructed view of the pool bottom in the area under surveillance.

(2) *Equipment.* One (1) unit of lifesaving equipment shall consist of the following: A U.S. Coast Guard approved ring buoy to which shall be attached a sixty (60) foot length of one-half (1/2) inch manila rope or equivalent and a life pole or shepherd's crook type of pole having blunted ends and a minimum length of twelve (12) feet. Where lifeguards are provided, a rescue tube may be used in lieu of a ring buoy. Not less than one (1) unit of equipment, as enumerated above, shall be provided at every public swimming pool, except a spa pool or wading pool. One (1) unit shall be provided for each two thousand (2,000) square feet of water surface area, or major fraction thereof, or each lifeguard on duty, whichever is greater.

Every pool, where a lifeguard is provided, shall be equipped with a first aid kit which shall be kept filled and ready for use and a back board, which must be stored within the pool enclosure.

The first aid kit must contain at least the following:

- 2 units—1" adhesive compress
- 2 units—2" bandage compress
- 2 units—3" bandage compress
- 2 units—4" bandage compress
- 1 unit—3" X 3" plain gauze pad
- 2 units—gauze roller bandage
- 1 unit—eye dressing packet
- 4 units—plain absorbent gauze 1/2 sq. yard
- 3 units—plain absorbent gauze, 24" X 72"
- 4 units—triangular bandages, 40"
- 1 unit—bandage, scissors, tweezers
- 1 pair—rubber gloves
- 1—pocket mask

(3) *Accessibility of equipment.* Lifesaving equipment shall be mounted in conspicuous places, distributed around the swimming pool deck, at lifeguard chairs, or elsewhere, readily accessible, its function plainly marked, and kept in repair and ready condition. Bathers or others shall not be permitted to tamper with, use for any purpose other than its intended use, or remove such equipment from its established location.

(4) *Warning sign.* Where no lifeguard service is provided, a warning sign shall be placed in plain view and shall state "Warning—No Lifeguard on Duty" with clearly legible letters at least four (4) inches high. In addition, the sign shall state "Children Shall Not Use Pool Without An Adult in Attendance" with letters at least one (1) inch high except wading pool signs may say "Parents Are Responsible For The Supervision of Their Children."

(5) *Starting block or platform use.* Section 231.240 pertaining to the use of starting blocks shall be enforced by the pool owner to provide for the safety of swimmers.

231.400. Disinfection and quality of water. (1) *Disinfection.* Swimming pools, when in use, shall be continuously disinfected with a chemical which imparts an easily measured, free available residual effect. When chlorine is used, a free chlorine residual of at least 1.0 ppm shall be maintained throughout

the pool whenever it is open or in use. If the concentration of combined residual chlorine exceeds 0.50 ppm, the pool must be superchlorinated or otherwise treated to oxidize and reduce the concentration to less than 0.50 ppm. When bromine is used, a bromine residual of at least 1.0 ppm must be maintained. (See 231.460 subd. 9 for whirlpools and spa pools.) If other halogens are used, residuals of equivalent disinfecting strength shall be maintained. A DPD (Diethyl-P-Phenylene Diamine) type testing kit for measuring the concentration of the disinfectant, accurate within 0.1 ppm, shall be provided at each swimming pool. The city commissioner may accept other disinfecting materials or methods when they have been adequately demonstrated to provide a satisfactory residual effect which is easily measured, and to be otherwise equally as effective under conditions of use as the chlorine concentration required herein, and not be dangerous to public health, create objectionable physiological effects, or impart toxic properties to the water. Where a cyanuric acid compound is used to stabilize chlorine, the concentration of cyanuric acid in the pool must not exceed one hundred (100) ppm.

(2) *Condition of the water.* The swimming pool water shall be maintained in alkaline condition as indicated by a pH of not less than 7.2 and not over 8.0. A phenol red type pH testing kit accurate to the nearest 0.2 pH unit shall be provided at each swimming pool. The alkalinity of the water shall be at least fifty (50) ppm as measured by the methyl orange test. The water shall have sufficient clarity at all times so that a black disk, six (6) inches in diameter, is readily visible when placed on a white light colorfield at the deepest point of the swimming pool. Failure to meet this requirement shall constitute grounds for immediate closing of the pool.

(3) *Sample check.* Where bacteriological sampling is done, not more than fifteen (15) percent of the samples collected over any considerable period of time shall either:

- (a) Contain more than two hundred (200) bacteria per ml, as determined by the standard (thirty-five (35) degrees Celsius) agar plate count; or
- (b) Show positive test (confirmed test) for coliform organisms in any of the five (5) ten (10) ml portions of a sample using the multiple tube fermentation method or more than 1.0 coliform organisms per fifty (50) ml when the membrane filter test is used.

All samples shall be collected, dechlorinated, and examined in accordance with the procedures outlined in "Standard Methods for the Examination of Water and Wastewater" (American Public Health Association). The city commissioner may collect and examine samples on a routine basis when the swimming pool is in active use.

(4) *Use of nontoxic chemicals.* Chemicals used in controlling the quality of water shall be demonstrated as imparting no toxic properties to the water.

231.410. [Visible dirt.] Visible dirt on the bottom of the swimming pool shall be removed every twenty-four (24) hours or more frequently as needed to maintain a clean pool.

Visible scum or floating matter on the swimming pool surface shall be removed every twenty-four (24) hours or more frequently as needed to maintain the pool clean.

231.420. Supervision of swimming pools. Every swimming pool shall be operated under the close supervision of a designated operator. The city commissioner shall require a certificate of competency obtained through attendance at and successful completion of a swimming pool operator's training course. Proper operating records, which shall include the following as required by the city commissioner, and shall be kept daily showing:

- (a) Disinfectant residuals, including free chlorine and total chlorine;
- (b) pH;
- (c) Flow meter readings;
- (d) Amounts of chemical used;
- (e) Estimated volume fresh water added; and
- (f) Maintenance (and malfunctioning) of equipment.

231.430. Supervision of bathers. A qualified lifeguard trained and currently certified by American Red Cross or equivalent in first aid and CPR, shall be on duty at all times the swimming pool is open to use by bathers except as provided in section 231.390, subdivision 4. Such attendant should be in full charge of bathing and have authority to enforce all rules of safety and sanitation. The following rules shall be enforced:

- (a) All persons using the swimming pool shall take a cleansing shower bath, using warm water and soap and thoroughly rinsing off all soap suds before entering the swimming pool room or

enclosure. A bather leaving the pool to use the toilet shall take a second cleansing bath before returning to the swimming pool room or enclosure. A person who exercises or uses a sauna or steam room shall shower again before using the pool.

- (b) Any person having an infectious or communicable disease capable of being transmitted through use of the pool shall be excluded from a public swimming pool. Persons having any considerable area of exposed subepidermal tissue, open blisters, cuts, etc., shall be warned that these are likely to become infected and advised not to use the pool.
- (c) Spitting, spouting of water, blowing the nose, etc., in the swimming pool shall be strictly prohibited.
- (d) No running and boisterous or rough play, except supervised water sports, shall be permitted in the pool, on the runways, diving boards, floats or platforms, or in dressing rooms, shower rooms, etc.
- (e) Glassware or similar materials having a tendency to shatter upon impact shall not be allowed within the swimming pool enclosure area.
- (f) Diving is not permitted, except in diving areas complying with section 231.450.
- (g) Suitable placards and pictorial representations, where appropriate, embodying the above regulations and instructions shall be conspicuously posted in the swimming pool room or enclosure and in the dressing rooms at all swimming pools. The shower requirements must also be posted in the dressing rooms. Lettering for all signs shall be clearly legible and at least three sixteenths of an inch high.
- (h) Children in diapers are expected to wear plastic pants with tight closure.

231.440. Closure of pools. When any of the following conditions are found, any public swimming pool shall be immediately closed to use when so ordered by any authorized representative of the city commissioner and must be placarded by the owner with the appropriate wording to indicate that it has been closed:

- (a) The proper number of units of safety equipment are not provided.
- (b) The clarity is such that a black disc, six (6) inches in diameter, is not readily visible when placed on a white —light color—field at the deepest point of the pool.
- (c) The disinfectant residual is found to be below the acceptable levels established in section 231.400.
- (d) The pool has been constructed or physically altered without approval of plans as required in section 231.30.
- (e) Any other condition which endangers the health, safety, or welfare of the public.

The pool shall remain closed until the conditions are corrected and followup observations made by an authorized representative of the city commissioner.

231.450. [Dimensions of diving area.] The dimensions of the diving area on all swimming pools shall conform to the dimensions as approved by the state commissioner as it may subsequently be amended.

231.460. Whirlpools and spa pools. (1) *Whirlpool and spa.* For the purposes of this chapter, whirlpool and spa pool are synonymous. Spa pools must comply with all provisions of sections 231.10 through 231.440 except as modified in this section.

(2) *Recirculation.* The recirculation system must recirculate a water volume equal to the pool volume in thirty (30) minutes or less, except that a minimum rate of thirty-five (35) gpm is required.

(3) *Inlets.* The recirculation system must have at least two (2) remote inlets to the pool.

(4) *Main drain.* The main drain must consist of a grate-covered bottom opening at least one hundred (100) square inches in size, or a bottom opening with an antivortex cover.

(5) *Agitation.* An agitation system must have a separate pump, and if sidewall suction fittings are used, at least two (2) shall be provided.

(6) *Timer.* An agitation system must be controlled by a timer with the control switch accessible to bathers, but at least five (5) feet from the pool. The maximum time setting must be fifteen (15) minutes.

(7) *Access.* Access to the pool must be provided by the following:

- (a) An unobstructed deck at the pool elevation which extends at least five (5) feet from the pool around the entire perimeter.
- (b) Where item (a) cannot be complied with, the five (5) foot deck at the pool elevation must

extend along at least ten (10) feet or twenty-five (25) percent of the pool perimeter, whichever is less, and the remaining perimeter must be one (1) foot or less to the wall, partition or other effective barrier to restrict access. The deck must provide complete and unobstructed access to the steps in the pool.

- (c) Where it is desired to provide access by sitting on the edge of a raised pool and swinging the legs into the pool, the deck dimension requirements of items (A) and (B) still apply, and the pool must be not less than eighteen (18) or more than twenty (20) inches above the deck. In addition, steps with equal risers and twelve (12) inch minimum treads must be provided outside of the pool which line up with the steps inside the pool. The pool edge must not exceed twelve (12) inches in width.

(8) *Steps.* Steps for access to an elevated pool must have a handrail and must have a finished surface which meets the requirements for decks in section 231.210. Steps within manufactured spa pools are permitted a slight variation from the dimensions in section 231.210, subd. 2.

(9) *Disinfectant.* The bromine residual or free chlorine residual must be at least 2.0 ppm throughout the pool when it is open or in use.

(10) *Signs.* In addition to signs required elsewhere in these rules, signs relating to the following must be clearly visible in the spa pool area:

(a) Pregnant women, and those suffering from heart disease, diabetes, high or low blood pressure should not enter the spa except under advice of a physician.

(b) Avoid use while under the influence of alcohol or drugs.

(c) Observe a reasonable time limit, (e.g., fifteen (15) minutes). Long exposures may result in nausea, dizziness or fainting.

231.470. License required. No person shall operate or permit swimming in a public swimming pool, regardless whether a fee is charged for such use, without a valid public swimming pool license issued by the city council pursuant to this chapter. Issuance of public swimming pool licenses shall be governed by Chapter 259, 261 and 263 of this Code. Where a property has more than one pool located upon it, separate authorization shall be obtained for each pool, and the license fee shall be according to the fee schedule provided in this chapter. Minneapolis Park and Recreation Board and Special School District No. 1 shall be required to obtain licenses for public swimming pools which they own or operate; however, no license fee shall be charged.

231.480. License fees. The annual fee for a public swimming pool license shall be as established in Appendix J, License Fee Schedule.

231.490. License expiration. All public swimming pool licenses shall expire on March thirty-first of each year, subject to renewal year to year thereafter.

231.500. Revocation, suspension, nonrenewal of license. The city council may revoke, suspend or refuse to renew a public swimming pool license for failure to comply with any of the provisions of this chapter, including the state health department rules incorporated herein, or for failure to comply with any other applicable provisions of this Code.

Adopted 6/20/03.

Ordinance 2003-Or-068 amending Title 11 of the Minneapolis Code of Ordinances relating to *Health and Sanitation* by adding a new Chapter 231 relating to *Public Swimming Pool Code*, summarized as follows, was passed 6/20/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

- a. Section 231.10 relating to Title.
- b. Section 231.20 relating to Authority.
- c. Section 231.30 relating to State rules incorporated.
- d. Section 231.40 relating to More restrictive standards to apply.
- e. Section 231.50 relating to "Commissioner" defined.
- f. Section 231.60 relating to Enforcement.
- g. Section 231.70 relating to Pool water condition.
- h. Section 231.80 relating to Toilets, lavatories, showers and dressing rooms.
- i. Section 231.190 relating to Spa pools.
- j. Section 231.100 relating to Pool closure.

- k. Section 321.110 relating to License required.
- l. Section 231.120 relating to License fees.
- m. Section 231.130 relating to License expiration.
- n. Section 231.140 relating to Revocation, suspension, nonrenewal of license.
- o. Section 231.150 relating to Effective date.
- p. Section 231.160 relating to Severability.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-068
By Johnson Lee
Intro & 1st Reading: 5/16/03
Ref to: H&HS
2nd Reading: 6/20/03

Amending Title 11 of the Minneapolis Code of Ordinances relating to Health and Sanitation, by adding a new Chapter 231 relating to Public Swimming Pool Code.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 231 to read as follows:

CHAPTER 231. PUBLIC SWIMMING POOL CODE

231.10. Title. This title shall be known and cited as the public swimming pool code.

231.20. Authority. This chapter is adopted pursuant to Minneapolis City Charter, Chapter 4, Section 5.

231.30. State rules incorporated. Minnesota Rules, Chapter 4717, parts 4717.0100 through 4717.0400, parts 4717.0500 through 4717.1700, parts 4717.1800 through 4717.3600, parts 4717.3675 through 4717.3965, and amendments thereto, are hereby adopted by reference and are incorporated in this title as fully as if set forth herein.

231.40. More restrictive standards to apply. Where the conditions imposed by any provision of the public swimming pool code are either more restrictive or less restrictive than comparable conditions imposed by the Minnesota Rules, Chapter 4717, or any other law, statute, rule, resolution, ordinance, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.

231.50. "Commissioner" defined. Wherever the term "commissioner" is used in the Minnesota Rules, it shall be held to mean the environmental health division of the city department of regulatory services.

231.60. Enforcement. The department of operations and regulatory services shall enforce the provisions of this chapter. The director of operations and regulatory services, or designee thereof, after proper identification, shall at all reasonable times have the right to enter into and upon premises to inspect and sample the water in public pools for compliance with this chapter.

231.70. Pool water condition. (a) The water temperature in a pool must not be more than one hundred four (104) degrees Fahrenheit.

(b) Each pool must have the following testing equipment:

- (1) A DPD (Diethyl-P-Phenylene Diamine) test kit to measure the concentration of disinfectant in water, accurate within 0.1 parts per million.
- (2) A phenol red pH testing kit accurate to the nearest 0.2 pH unit.
- (3) A test kit to measure alkalinity using the methyl orange or equivalent method.
- (4) Where cyanuric acid is used, a test kit to test cyanuric acid concentration.

(c) When in use, a pool must be continuously disinfected with a chemical that imparts an easily measured, free available residual.

- (1) When chlorine is used, a free chlorine residual of at least 2.0 parts per million must be maintained throughout the pool.

- (2) When bromine is used, a bromine residual of at least 4.0 parts per million must be maintained throughout the pool.
- (3) The minimum free residual for chlorine must be 2.0 parts per million and 4.0 parts per million for bromine when any of the following conditions exist:
 - a. cyanuric acid exceeds thirty (30) parts per million;
 - b. the pH exceeds 7.7;
 - c. the water temperature exceeds eighty-four (84) degrees Fahrenheit; or
- (4) The disinfectant concentration in an operating pool must not exceed ten (10) parts per million for chlorine and fifteen (15) parts per million for bromine.
- (5) If other halogens are used, residuals of equivalent disinfectant strength must be maintained.
- (6) If the concentration of combined chlorine residual exceeds 0.5 parts per million, the pool must be superchlorinated or treated to reduce the concentration of the combined chlorine residual to not exceed 0.5 parts per million.
- (7) Where a cyanuric acid compound is used to stabilize chlorine, the concentration of cyanuric acid in the pool must not exceed sixty (60) parts per million.
- (d) The disinfectant residual in a wading pool and a spa pool must be at least 3.0 parts per million for free chlorine and 6.0 parts per million for bromine throughout the pool when in use.
- (e) Water in the pool must be maintained with a pH of not less than 7.2 and not more than 7.8.
- (f) The alkalinity of the water in the pool must be at least fifty (50) parts per million.
- (g) Whenever the pool is open for use, the pool water must be clear enough so the bottom drain is easily visible.
- (h) Chemicals used to control water quality must not impart toxic properties to the water. All containers used for chemicals must be kept in a secure location, inaccessible to pool users, and properly labeled and stored according to the manufacturer's instructions.
- (i) When bacteriological sampling is done, no sample collected may:
 - (1) exceed two hundred (200) bacteria per milliliter as determined by the heterotrophic plate count; or
 - (2) indicate the presence of total coliform organisms in a one hundred (100) milliliter sample by any of the following methods:
 - a. multiple tube;
 - b. membrane filter; or
 - c. the Minimal Medium ONPG-MUG test described in Code of Federal Regulations, title 40, part 141.
- (3) All samples must be collected, dechlorinated, and examined according to the American Public Health Association's "Standard Methods for the Examination of Water and Wastewater."
- (4) Where sampling indicates that the standards in 231.50(i)(1) or (2) are exceeded, the pool must be treated to effectively reduce biological concentration to a complying level.

231.80. Toilets, lavatories, showers, and dressing rooms. (a) Toilets, showers, and dressing rooms may be in a nearby toiletroom, locker room, or, if conveniently available, within the living units of an apartment building, hotel, or similar occupancy.

(b) Toilet, shower, lavatory, and locker and other ancillary facilities must be maintained in a sanitary condition to preclude the possibility of spreading pathogens to the pool.

(c) When toilet facilities are accessible to pool patrons in the pool area, each toilet facility must include showers that permit nude showering within each toilet facility.

(d) At least one (1) shower must be provided which is conveniently located to permit a shower before entering any pool when sauna or exercise facilities are provided.

(e) Toilet, handwashing, and shower facilities must be provided according to the following schedule.

	First 300 Males	First 300 Females	Additional males over 300	Additional females over 300
Water closets	1/100	1/50	1/200	1/100
Urinals	1/100	—	1/200	—
Lavatories	1/100	1/100	1/200	1/200
Showers	1/50	1/50	1/50	1/50

(f) Additional sanitation fixtures must be provided for pool facilities with extensive deck areas or facilities that provide other functions in accordance with the sanitation fixture requirements in the state building code.

(g) Showers must be supplied with water at a temperature of at least ninety (90) degrees Fahrenheit at a rate of at least 2.0 gallons per minute. Thermostatic, tempering, or mixing valves must be installed if necessary to prevent water temperatures in excess of one hundred thirty (130) degrees.

(h) Pool users leaving the dressing room must pass the showers last in route to the pool.

(i) The floor finish between the toilet and shower areas and the pool must be nonslip and nonabsorbent.

(j) Lighting for toilet, shower, and locker facilities must provide at least ten (10) footcandles illumination measured at floor level.

(k) On-site showers are not required for freestanding wading pools.

231.90. Spa pools. (a) Spa pools must comply with Chapter 231 except as modified in this section.

(b) The recirculation system must recirculate a water volume equal to the pool volume in thirty (30) minutes or less, except that a minimum rate of thirty-five (35) gallons per minute is required.

(c) The recirculation system must have at least two (2) remote inlets to the pool.

(d) The main drain must consist of:

- (1) a grate-covered bottom opening at least one hundred (100) square inches in size; or
- (2) a bottom opening with an antivortex cover.

(e) The agitation system must have a separate pump. If sidewall suction fittings are used, at least two (2) inlets, remotely located, must be provided.

(f) The agitation system must be controlled by a timer with the control switch accessible to pool users but at least five (5) feet from the pool. The maximum time setting must be fifteen (15) minutes.

(g) Access to a spa pool must be provided according to this subpart.

(1) Access to the pool must be provided by an unobstructed deck, at the pool elevation, which extends at least five (5) feet from the pool around the entire perimeter.

(2) Where a deck cannot be provided as specified in 231.90 (g)(1), a five (5) foot wide deck at the pool elevation must extend along at least twenty-five (25) percent of the pool perimeter. The remaining perimeter must be one (1) foot or less to a wall, partition, or other effective barrier to restrict access. The deck must provide complete and unobstructed access to the steps in the pool.

(3) Where access is provided by sitting on the edge of a raised pool and swinging the legs into the pool:

- a. The deck requirement in 231.90 (g)(1) and 231.90(g)(2) must be met.
- b. The pool must be no less than eighteen (18) inches nor more than twenty (20) inches above the deck.
- c. Steps with equal risers and twelve (12) inch minimum treads must be provided outside the pool which line up with the steps inside the pool.
- d. The pool edge must not exceed twelve (12) inches in width.

(h) The requirements for steps in this subpart apply to spa pools.

(1) Steps for access to an elevated spa pool must have a handrail and a finished surface that meets the requirements for decks in Minnesota Rules, Chapter 4717.

(2) Steps within manufactured spa pools may vary from the dimensions Minnesota Rules, Chapter 4717 if the Minnesota commissioner of health determines that the design is safe.

(i) In addition to the signs required by Minnesota Rules, Chapter 4717, the following warning signs must be posted and plainly visible in the spa pool area:

- (1) Pregnant women, small children, or persons with heart disease, diabetes, high blood pressure, or low blood pressure should not enter the spa except under advice of a physician.
- (2) Avoid use while under the influence of alcohol or drugs.
- (3) Exposure may result in nausea, dizziness, or fainting. Observe a reasonable time limit.

231.100. Pool closure. When any of the following conditions are found, a public pool must be immediately closed to use when so ordered by the director of operations and regulatory services, or designee thereof. The owner of the pool or the owner's agent must place a sign at the entrance to the pool indicating that the pool is closed. The pool must remain closed until the condition is corrected and

approval to reopen is granted by the director of operations and regulatory services, or designee thereof. A pool must be closed when one of the following conditions exist:

- (1) The units of lifesaving equipment specified in Minnesota Rules, Chapter 4717 are not provided.
- (2) The water clarity standard specified in 231.70(g) is not met.
- (3) The disinfection residual specified in 231.70(d) is not met.
- (4) The pool has been constructed or physically altered without approval of plans as required by Minnesota Rules, Chapter 4717.
- (5) There is any condition that endangers the health or safety of the public.

231.110. License required. No person shall operate or permit swimming in a public swimming pool, regardless whether a fee is charged for such use, without a valid public swimming pool license issued by the city council pursuant to this chapter. Issuance of public swimming pool licenses shall be governed by Chapter 259, 261 and 263 of this Code. Where a property has more than one (1) pool located upon it, separate authorization shall be obtained for each pool, and the license fee shall be according to the fee schedule provided in this chapter. Minneapolis Park and Recreation Board and Special School District No. 1 shall be required to obtain licenses for public swimming pools that they own or operate; however, no license fee shall be charged.

231.120. License fees. The annual fee for a public swimming pool license shall be as established in Appendix J, License Fee Schedule.

231.130. License expiration. All public swimming pool licenses shall expire on March thirty-first of each year, subject to renewal year to year thereafter.

231.140. Revocation, suspension, nonrenewal of license. The city council may revoke, suspend or refuse to renew a public swimming pool license for failure to comply with any of the provisions of this chapter, including the state health department rules incorporated herein, or for failure to comply with any other applicable provisions of this Code.

231.150. Effective date. This chapter shall become effective July 1, 2003.

231.160. Severability. If any part or provision of this title or the application thereof to any person, entity, or circumstances shall be adjudged unconstitutional or invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application which is directly involved in the controversy in which such judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or the application thereof to other persons, entities, or circumstances.

Adopted 6/20/03.

H&HS - Your Committee recommends that the proper City Officers be authorized to execute the Workforce Investment Act (WIA) Title I Dislocated Worker and State Dislocated Worker Master Agreement with the Minnesota Department of Trade and Economic Development for the period July 1, 2003 to June 30, 2006 for the release of funding for dislocated worker services.

Adopted 6/20/03.

H&HS - Your Committee recommends that Mayor Rybak be authorized to sign the Program Year 2003 update to the Local Plan for the Workforce Investment Act (WIA) for the period July 1, 2003 to June 30, 2004.

Adopted 6/20/03.

H&HS - Your Committee recommends that David Durenberger, Jr be appointed to the Public Health Advisory Committee as a member-at-large, for a term to expire December 31, 2003.

Adopted 6/20/03.

The **HEALTH & HUMAN SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

H&HS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to execute an amendment to Grant Agreement #17560-3 with the Minnesota Department of Health

to accept an additional \$57,393 in federal bioterrorism funds for planning and implementation of the Minnesota State Smallpox Vaccination Program and to address the Public Health Information Technology Functions and Specifications required under the federal grant during the period June 6, 2002 through August 30, 2003. Further, passage of the accompanying Resolution appropriating the grant funds to Health & Family Support.

Adopted 6/20/03.

Resolution 2003R-277, appropriating \$57,393 to the Department of Health & Family Support for the Minnesota State Smallpox Vaccination Program and to address the Public Health Information Technology Functions and Specifications required under the federal bioterrorism grant, was passed 6/20/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-277
By Johnson Lee and Johnson

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Health & Family Support Agency in the Grants - Federal Fund (030-860-8621) by \$57,393 and increasing the Revenue Source (030-860-8621 - Source 3210) by \$57,393.

Adopted 6/20/03.

H&HS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to amend Master Contract #16948 with Normandale Community College, to increase the amount by \$93,000 for a new contract total of \$343,000, to provide funds to pay the tuition for case managers employed by agencies providing vocational counseling services to participate in a program titled "Career Development Facilitator".

Adopted 6/20/03.

H&HS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept \$5,000 from the Archie D. & Bertha H. Walker Foundation for the Twin Cities Healthy Start Project to support fetal alcohol syndrome training as part of the project's overall goal of reducing infant mortality and improving birth outcomes. Further, passage of the accompanying Resolution appropriating \$5,000 to Health & Family Support.

Adopted 6/20/03.

Resolution 2003R-278, appropriating \$5,000 to the Department of Health & Family Support to support fetal alcohol syndrome training as part of the Twin Cities Healthy Start Project, was passed 6/20/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-278
By Johnson Lee and Johnson

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Health & Family Support Agency in the Grants - Other Fund (060-860-8624) by \$5,000 and increasing the Revenue Source (060-860-8624) by \$5,000.

Adopted 6/20/03.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

PS&RS - Your Committee, to whom was referred an ordinance amending Title 13, Chapter 324 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Pawnbrokers*, deleting outdated license options, conditions and processes; clarifying definitions and data reporting processes; and setting a penalty for failure to submit timely reportable transactions, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 6/20/03.

Ordinance 2003-Or-069 amending Title 13, Chapter 324 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Pawnbrokers*, amending Sections 324.20; 324.40; 324.50; 324.100; 324.110; to delete outdated license options, conditions and processes; clarify definitions and data reporting processes; and set a penalty for failure to submit timely reportable transactions, was passed 6/20/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-069

By Ostrow

Intro & 1st Reading: 5/16/03

Ref to: PS&RS

2nd Reading: 6/20/03

Amending Title 13, Chapter 324 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Pawnbrokers.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 324.20 of the above-entitled ordinance be amended to read as follows:

324.20. Definitions. When used in this article, the following words shall mean:

Pawnbroker. Any natural person, partnership or corporation, either as principal, or agent or employee thereof, who loans money on deposit or pledge of personal property, or other valuable thing, or who deals in the purchasing of personal property, or other valuable thing on condition of selling the same back again at a stipulated price, or who loans money secured by chattel mortgage on personal property, taking possession of the property or any part thereof so mortgaged. To the extent that a pawnbroker's business includes buying personal property previously used, rented or leased, or selling it on consignment, the provisions of this chapter shall be applicable.

Reportable transaction. Every transaction conducted by a pawnbroker in which merchandise is received through a pawn, purchase, consignment or trade, or in which a pawn is renewed, extended or redeemed, or for which a unique transaction number or identifier is generated by their point-of-sale software, or an item is confiscated by law enforcement, is reportable except:

- (1) The bulk purchase or consignment of new or used merchandise from a merchant, manufacturer or wholesaler having an established permanent place of business, and the retail sale of said merchandise, provided the pawnbroker must maintain a record of such purchase or consignment which describes each item, and must mark each item in a manner which relates it to that transaction record.
- (2) Retail and wholesale sales of merchandise originally received by pawn or purchase, and for which all applicable hold and/or redemption periods have expired.

Billable transaction. Every reportable transaction conducted by a pawnbroker is a billable transaction except renewals, redemptions or extensions of existing pawns on items previously reported and continuously in the licensee's possession, ~~is a billable transaction~~ voided transactions and confiscations.

Section 2. That Section 324.40 of the above-entitled ordinance be and is hereby repealed.

324.40. License classifications. (a) Licenses renewed under provisions of this chapter shall be classified according to the number of billable transactions submitted annually to the Minneapolis Police Department during the twelve (12) month period ending September 30 prior to renewal. The classifications shall be:

Class A -- Licensees that submitted four hundred (400) or more transactions:

Class B -- Licensees that submitted fewer than four hundred (400) transactions:

(b) All new licenses issued pursuant to this chapter after January 1, 1996, shall be deemed to be Class A licenses and subject to all applicable fees and regulations:

Section 3. That Section 324.50 of the above-entitled ordinance be amended to read as follows:

324.50. License fees. (a) The annual license fees for Class A and B licenses issued under this chapter shall be as established in Appendix J, License Fee Schedule.

The annual license fee shall be payable semi-annually in accordance with procedures established by the director of licenses and consumer services.

(b) ~~The billable transaction license fee shall be classified according to the medium by which daily reports required by section 324.100 are submitted to the Minneapolis Police Department. These classifications shall be as follows:~~

~~Modem -- Required of all Class A licensees, optional for Class B licensees:~~

~~Manual -- Required of all Class B licensees who do not fulfill Class A reporting requirements:~~

(e ~~b~~) The billable transaction license fee shall reflect the cost of processing transactions ~~from the respective classifications~~ and other related regulatory expenses as determined by the city council, and shall be reviewed and adjusted, if necessary, at least every six (6) months. Licensees shall be notified in writing thirty (30) days before any adjustment is implemented. ~~The billable transaction fee for modem transactions shall not exceed the billable transaction fee for manual transactions:~~

(d ~~c~~) Billable transaction fees shall be billed monthly and are due and payable within thirty (30) days. Failure to do so is a violation of this chapter.

Section 4. That Section 324.100 (8) and (9) of the above-entitled ordinance be amended to read as follows:

324.100. Records required. At the time of any reportable transaction other than renewals, extensions or redemptions, every licensee must immediately record in English the following information by using ink or other indelible medium on forms or in a computerized record approved by the police license inspector:

(8) Effective sixty (60) days from the date of notification by the police license inspector of acceptable video standards, ~~but no sooner than April 1, 1996,~~ the licensee must also take a color photograph or color video recording of:

a. Each customer involved in a billable transaction.

b. Every item pawned or sold that does not have a unique serial or identification number permanently engraved or affixed.

If a photograph is taken, it must be at least two (2) inches in length by two (2) inches in width and must be maintained in such a manner that the photograph can be readily matched and correlated with all other records of the transaction to which they relate. Such photographs must be available to the chief of police, or the chief's designee, upon request. The major portion of the photograph must include an identifiable front facial close-up of the person who pawned or sold the item. Items photographed must be accurately depicted. The licensee must inform the person that he or she is being photographed by displaying a sign of sufficient size in a conspicuous place in the premises. If a video photograph is taken, the video camera must zoom in on the person pawning or selling the item so as to include an identifiable close-up of that person's face. Items photographed by video must be accurately depicted. Video photographs must be electronically referenced by time and date so they can be readily matched and correlated with all other records of the transaction to which they relate. The licensee must inform the person that he or she is being videotaped orally and by displaying a sign of sufficient size in a conspicuous place on the premises. The licensee must keep the exposed videotape for three (3) months.

(9) *Digitized photographs.* Effective sixty (60) days from the date of notification by the police license inspector, but no sooner than July 1, 1996, Class A licensees must, and Class B licensees may, fulfill the color photograph requirements in section 324.100 (8) by submitting them as digital images, in a format specified by the issuing authority, electronically cross-referenced to the reportable transaction they are associated with. Notwithstanding the digital images may be captured from required video recordings, this provision does not alter or amend the requirements in subdivision (8).

Section 5. That Section 324.110 of the above-entitled ordinance be and is hereby repealed.

324.110. Daily reports to police. (a) *Method.* Licensees must provide to the police department the information required in section 324.100 (1) through (6), in writing, on forms approved by the business day following the date of the transaction. The licensee must display a sign of sufficient size, and in a conspicuous place in the premises, so as to inform all patrons that all transactions are reported to the police department daily. Effective sixty (60) days from the date of notification by the police license inspector, but no sooner than ninety (90) days after the police license inspector provides licensees with computerized record standards, licensees must submit every reportable transaction to the police department daily in the following manner:

- (1) Class A licensees must, and Class B licensees may, provide to the police department the information required in section 324.100 (1) through (6), by transferring it from their computer to the police department via modem. All required records must be transmitted completely and accurately after the close of business each day in accordance with standards and procedures established by the issuing authority using a dial-callback protocol or other procedures that address security concerns of the licensees and the issuing authority. The licensee must display a sign of sufficient size, in a conspicuous place in the premises, which informs all patrons that all transactions are reported to the police department daily.
- (2) Class B licensees who do not fulfill requirements of section 324.110(a)(1) must provide to the police department the information required in section 324.100 (1) through (6), in writing, on forms approved by the police department, by 12:00 noon the first business day following the date of the transaction. The licensee must display a sign of sufficient size, in a conspicuous place in the premises, which informs all patrons that all transactions are reported to the police department daily.

(b) *Billable transaction fees.* Licensees, regardless of class, will be charged for billable transactions at the current rate for the medium by which they were reported to the police department except:

- (1) If a Class A licensee, or a Class B licensee who has consistently reported via modem, is unable to successfully transfer the required reports by modem, the licensee must provide the police department printed copies of all reportable transactions along with the video tape(s) for that date, by 12:00 the next business day, and must be charged at the modem rate for billable transactions;
- (2) If the problem is determined to be in the licensee's system and is not corrected by the close of the first business day following the failure, the licensee must provide the required reports as detailed in [section] 324.110(b)(1), and must be charged at the modem rate for transactions through the close of the first business day following the failure, and at the manual rate for all subsequent billable transactions until the error is corrected; or
- (3) If the problem is determined to be outside the licensee's system, the licensee must provide the required reports in detail in 324.110(b)(1), and will be billed at the modem rate for billable transactions until the error is corrected;
- (4) If a Class A licensee, or a Class B licensee who has consistently reported via modem, is unable to capture, digitize or transmit the photographs required in section 324.100 (8) and (9), the licensee must immediately take all required photographs with a still camera, immediately develop the pictures, cross-reference the photographs to the correct transaction, and deliver them to the police department by 12:00 noon the next business day. Billable transactions will be charged at the modem rate for transactions through the close of the first business day following the failure, and at the manual rate for all subsequent billable transactions until the error is corrected.

- (5) Second and subsequent occurrences of circumstances detailed in section 324.110(b), (1), (2) or (4), within any six (6) consecutive months, will be charged at the manual rate for billable transactions until the error is corrected.
- (6) Section 324.110(b)(1) through (5) notwithstanding, the police license inspector may, upon presentation of extenuating circumstances, extend the period that a qualifying licensee is billed at the modem rate for billable transactions.

Section 6. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 324.110 to read as follows:

324.110. Daily reports to police. *(a) Method.* Licensees must submit every reportable transaction to the police department daily in the following manner:

- (1) Licensees must provide to the police department all reportable transaction information by transferring it from their computer to the automated pawn system via modem using the current version of the automated pawn system interchange file specification. All required records must be transmitted completely and accurately after the close of business each day in accordance with standards and procedures established by the police license inspector. Any transaction that does not meet the automated pawn system interchange file specification must be corrected and resubmitted the next business day. The licensee must display a sign of sufficient size, in a conspicuous place in the premises, which informs all patrons that all transactions are reported to the police department daily.

(b) Billable transaction fees. Licensees will be charged for each billable transaction reported to the police department:

- (1) If a licensee is unable to successfully transfer the required reports by modem, the licensee must provide the police department, upon request, printed copies of all reportable transactions along with the video tape(s) for that date, by noon the next business day;
- (2) If a problem is determined to be in the licensee's system and is not corrected by the close of the first business day following the failure, the licensee must continue to provide the required reports as detailed in section 324.110 (b)(1), and must be charged a fifty dollar (\$50.00) reporting failure penalty, daily, until the error is corrected; or
- (3) If the problem is determined to be outside the licensee's system, the licensee must continue to provide the required reports in section 324.110 (b)(1), and resubmit all such transactions via modem when the problem is corrected.
- (4) If a licensee is unable to capture, digitize or transmit the photographs required in section 324.100 (9), the licensee must immediately take all required photographs with a still camera, cross-reference the photographs to the correct transaction, and make the pictures available to the police department upon request.
- (5) Regardless of the cause or origin of the technical problems that prevented the licensee from uploading their reportable transactions, upon correction of the problem, the licensee shall upload every reportable transaction from every business day the problem had existed.
- (6) Section 324.110 (b)(1) through (3) notwithstanding, the police license inspector may, upon presentation of extenuating circumstances, delay implementation of the daily reporting failure penalty.

Adopted 6/20/03.

PS&RS - Your Committee recommends passage of the accompanying Resolution adopting an Administrative Enforcement Fine Schedule for pawnbroker violations enforced by Officers assigned to the Police Department License Investigation Division.

Adopted 6/20/03.

Resolution 2003R-279, adopting an Administrative Enforcement Fine Schedule for pawnbroker violations enforced by Officers assigned to the Police Department License Investigation Division, was passed 6/20/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-279

By Niziolek

Approving the adoption of an Administrative Enforcement Fine Schedule for pawnbroker violations enforced by Officers assigned to the Police Department License Investigation Division.

Whereas, the Minneapolis City Council has adopted an amendment to Title 1 of the Minneapolis Code of Ordinances by adding therein a new Chapter 2 relating to an Administrative Enforcement and Hearing Process; and

Whereas, Section 2.60 of the Minneapolis Code of Ordinances provides for the imposition of a civil fine for violations of certain Articles of the Minneapolis Code of Ordinances; and

Whereas, Section 2.70 of the Minneapolis Code of Ordinances provides that the City Council shall adopt by Resolution a schedule of fines for administrative offenses; and

Whereas, the License Investigation Division of the Police Department has submitted a proposed civil fine schedule for consideration by the City Council;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proposed civil fine schedule presented for consideration by the License Investigation Division of the Police Department be adopted, as set forth in Petn No 268856 on file in the Office of the City Clerk.

Adopted 6/20/03.

PS&RS - Your Committee, to whom was referred an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code, Rental Dwelling Licenses*, establishing liability of the contact person and the City's ability to pursue the owner and/or contact; requiring changes in application information to be reported in writing; allowing the City to request a new application or floor plan at any time for just cause; and providing for potential revocation action if the applicant does not respond to the request for a new application, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 6/20/03.

Ordinance 2003-Or-070 amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code, Rental Dwelling Licenses*, amending Section 244.1840 to more clearly establish the potential criminal and civil liability of the contact person and the City's ability to pursue the owner and/or the contact for the purpose of enforcement and to require changes in application information be reported in writing with changes in the contact person requiring an entirely new application to be completed; and Section 244.1910 to allow the City to request a new application or floor plan at any time for just cause rather than only at the time of renewal, and to provide for potential revocation action if the applicant does not respond to the request for a new application, was passed 6/20/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-070

By Niziolek

Intro & 1st Reading: 5/16/03

Ref to: PS&RS

2nd Reading: 6/20/03

Amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to Housing: Maintenance Code, Article XVI Rental Dwelling Licenses.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 244.1840 (3) of the above-entitled ordinance be amended, and a new subdivision (6) be added thereto, to read as follows:

244.1840. Application for license. Within ninety (90) days after the effective date of this article, the owner of each rental dwelling shall make written application to the director of inspections for a license to carry on the business of renting residential property. In addition, the owner of each such rental dwelling constructed after the effective date of this article shall make written application to the director of inspections for a license as herein provided prior to initial occupancy. Such application shall be made on a form furnished by the director of inspections for such purpose and shall set forth the following information:

(3) Every applicant, whether an individual, partnership, or corporation, shall identify in the application, by name, residence or business street address, telephone number, and date of birth, a natural person who is actively involved in, and responsible for, the maintenance and management of the premises. Said natural person shall, if other than the owner, affix his or her notarized signature to the application, thereby accepting joint and several responsibility with the owner (including any potential criminal, civil, or administrative liability) for the maintenance and management of the premises. A post office box or commercial mail receiving service are not acceptable as an address for such person. The individual designated herein may also be the owner of the dwelling or an agent identified in subsection (b) above.

(6) In the event that any of the information required to be provided by this section changes, the applicant or licensee shall, within fourteen (14) days, notify in writing the director of inspections, or an authorized representative of the director, of the change. However, if the natural person designated in subsection (3) changes, the licensee or applicant shall file an entirely new application within fourteen (14) days. Furthermore, for just cause, the director of inspections, or an authorized representative of the director, may request that an applicant or licensee complete and file a new or replacement application for any rental dwelling, giving the licensee or applicant a minimum of fourteen (14) days to comply.

Section 2. That Section 244.1910 (10) of the above-entitled ordinance be amended, and a new subdivision (15) be added thereto, to read as follows:

244.1910. Licensing standards. The following minimum standards and conditions shall be met in order to hold a rental dwelling license under this article. Failure to comply with any of these standards and conditions shall be adequate grounds for the denial, refusal to renew, revocation, or suspension of a rental dwelling license or provisional license.

(10) The licensee shall submit to the director of inspections or an authorized representative of the director, at the time of application for a rental dwelling license and for just cause as requested by the director, the following information: the number and kind of units within the dwelling (dwelling units, rooming units, or shared bath units), specifying for each unit, the floor number, and the unit number and/or letter and/or designation.

(15) The licensee or applicant must have a current, complete, and accurate rental dwelling application on file with the director of inspections in accord with the provisions of section 244.1840.

Adopted 6/20/03.

PS&RS - Your Committee, to whom was referred an ordinance amending Title 13, Chapter 265, Article VII of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Special Permits for Specific Businesses and Uses, Sidewalk Cafes*, to allow the Lake and Hennepin PO Overlay District to be exempt from the prohibition against the permanent installation of tables, chairs, furnishings or other equipment for sidewalk cafes, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 6/20/03.

Ordinance 2003-Or-071 amending Title 13, Chapter 265, Article VII of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Special Permits for Specific Businesses and Uses, Sidewalk Cafes*, amending Section 265.290 to allow the Lake and Hennepin PO Overlay District to be exempt from the prohibition against the permanent installation of tables, chairs, furnishings or other equipment for sidewalk cafes, was passed 6/20/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-071
By Niziolek
Intro & 1st Reading: 5/16/03
Ref to: PS&RS
2nd Reading: 6/20/03

Amending Title 13, Chapter 265 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Special Permits for Specific Businesses and Uses, Article VII Sidewalk Cafes.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 265.290 (c) of the above-entitled ordinance be amended to read as follows:

265.290. Restrictions.

(c) No such permit shall authorize the placing or leaving on the sidewalk of any tables, chairs, furnishings or other equipment during any periods of time such sidewalk cafe is not open and being operated, except that this subsection shall not apply to any establishment located in the Central Commercial District as defined in section 360.10 or in the Lake and Hennepin PO Overlay District as defined in section 551.150 of this Code.

Adopted 6/20/03.

PS&RS - Your Committee, to whom was referred ordinances amending the Minneapolis Code of Ordinances approving technical changes to the Licensing Codes, moving license fees to Appendix J and adjusting Appendix J to be in alphabetical order, now recommends that the following ordinances be given their second reading for amendment and passage:

- a. Title 10, Chapter 188 relating to *Food Code: Administration and Licensing*;
- b. Title 13, Chapter 261 relating to *Licenses and Business Regulations: License Fees Generally*;
- c. Title 13, Chapter 267 relating to *Licenses and Business Regulations: Amusements*;
- d. Title 13, Chapter 277 relating to *Licenses and Business Regulations: Building Trades Licenses*;
- e. Title 13, Chapter 278 relating to *Licenses and Business Regulations: Heating, Ventilating and Air Conditioning, Gasfitting, Oil, Plumbers/Gasfitter, Refrigeration and Steam and Hot Water Installers*;
- f. Title 13, Chapter 307 relating to *Licenses and Business Regulations: Valet Parking*;
- g. Title 14, Chapter 362 relating to *Liquor and Beer: Liquor Licenses*;
- h. Appendix J relating to *License Fee Schedule*.

Adopted 6/20/03.

Ordinance 2003-Or-072 amending Title 10, Chapter 188 of the Minneapolis Code of Ordinances relating to *Food Code: Administration and Licensing*, amending Section 188.330 to move the license fee refund to Appendix J of the Code, was passed 6/20/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-072
By Niziolek
Intro & 1st Reading: 5/16/03
Ref to: PS&RS
2nd Reading: 6/20/03

Amending Title 10, Chapter 188 of the Minneapolis Code of Ordinances relating to Food Code: Administration and Licensing.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 188.330 of the above-entitled ordinance be amended to read as follows:

188.330. Refund of fee. If the application for a license is not granted, the applicant shall be refunded the fees paid by him, less ~~thirty-three dollars (\$33.00)~~ fee as specified in Appendix J, License Fee Schedule, for processing the and application.

Adopted 6/20/03.

Ordinance 2003-Or-073 amending Title 13, Chapter 261 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: License Fees Generally*, amending Section 261.30 to include housekeeping language to grant a refund where a license is not granted if the application was deemed complete by the director of licenses, was passed 6/20/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-073
By Niziolek
Intro & 1st Reading: 5/16/03
Ref to: PS&RS
2nd Reading: 6/20/03

Amending Title 13, Chapter 261 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: License Fees Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 261.30 of the above-entitled ordinance be amended to read as follows:

261.30. Refunds where license not granted. In case the license applied for, and deemed a complete application by the director of licenses or the director's designee, and is for any reason not granted, the fee paid shall be refunded to the applicant less a charge for processing the application as established in Appendix J, License Fee Schedule.

Adopted 6/20/03.

Ordinance 2003-Or-074 amending Title 13, Chapter 267 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Amusements*, amending Sections 267.410 to remove the reference of publication in the official newspaper; Section 267.660 to change the renewal application time from 30 to 10 days; and Sections 267.1220 and 267.1310 to remove the reference of publication in the official newspaper, was passed 6/20/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-074
By Niziolek
Intro & 1st Reading: 5/16/03
Ref to: PS&RS
2nd Reading: 6/20/03

Amending Title 13, Chapter 267 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Amusements.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 267.410 of the above-entitled ordinance be amended to read as follows:

267.410. Application for license. Any person desiring to be licensed hereunder shall apply to the director of licenses and consumer services on forms to be provided by the director of licenses and consumer services, giving such information as may be required. ~~No license shall be issued until notice of the application shall have been published in the official newspaper.~~

Section 2. That Section 267.660 of the above-entitled ordinance be amended to read as follows:

267.660 License renewals. Any licensee desiring a renewal of license shall make application therefor not less than ~~thirty (30)~~ ten (10) days prior to the expiration of the license then in force. If the application is not made within the time specified, the applicant shall be required to pay an additional fee as established in Appendix J, License Fee Schedule.

Section 3. That Section 267.1220 of the above-entitled ordinance be amended to read as follows:

267.1220. Application for license. Any person desiring to be licensed shall apply to the director of licenses and consumer services on forms to be provided by the director of licenses and consumer services, giving such information as may be required. ~~No license shall be issued until notice of the application shall have been published in the official newspaper.~~

Section 4. That Section 267.1310 of the above-entitled ordinance be amended to read as follows:

267.1310. Application for license; publication. Any person desiring a license shall apply in writing to the city council by filing such application with the director of licenses and consumer services. Such applications shall show, in addition to any other information required, the total square foot area of the proposed dance hall. ~~The director of licenses and consumer services, when the license fee has been paid, shall cause a notice of such application to be published in the official paper of the city once a week for two (2) successive weeks, which notice shall state the name of the applicant, the purpose for which the license is requested, the location of the premises in which the business of the applicant, when licensed, will be carried on, and the time when such application will be presented to the city council.~~

Adopted 6/20/03.

Ordinance 2003-Or-075 amending Title 13, Chapter 277 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Building Trades Licenses*, amending Section 277.2280 to move the fee to Appendix J of the Code; and Section 277.2300 to change the notification time from 10 days to 30 days when cancelling a public liability insurance policy as well as the surety bond, was passed 6/20/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-075
By Niziolek
Intro & 1st Reading: 5/16/03
Ref to: PS&RS
2nd Reading: 6/20/03

Amending Title 13, Chapter 277 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Building Trades Licenses.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 277.2280 of the above-entitled ordinance be amended to read as follows:

277.2280. Fee. The fee for each such license shall be as established in Appendix J, License Fee Schedule, to be paid at the time of filing the application for license. If any such license is applied for and issued subsequent to December first of any license year, the license shall be prorated as provided by section 261.40, provided, that such license shall not be prorated or reduced to ~~any amount less than ninety-one dollars (\$91.00)~~ by a sum specified in Appendix J, License Fee Schedule. If any license is withdrawn, the fee paid shall be retained.

Section 2. That Section 277.2300 of the above-entitled ordinance be amended to read as follows:

277.2300. Insurance; bond. No class B license shall be granted unless the applicant shall carry public liability insurance in a reliable insurance company or companies. Such policy of insurance shall not contain any "XC" (explosion, collapse) exclusion. The liability insurance for personal injury shall be in the sum of three hundred thousand dollars (\$300,000.00) for one occurrence. Said policy shall also be in the sum of at least fifty thousand dollars (\$50,000.00) to cover loss or damage to property of any person or persons in any one occurrence. The city shall be named as an additional named insured in said policy. Copies of such public liability policy, together with a surety bond, shall be filed with the department of licenses and consumer services at the time of making application for the license. The surety bond shall be in the sum of ten thousand dollars (\$10,000.00) to indemnify and save the city harmless from all damages, judgments, losses, claims, suits or liabilities of every kind growing out of the wrecking or demolition of any building. Such public liability insurance policy and surety bond shall be approved by the city attorney before issuance of the license. No provisions in any such policy or bond relative to notice to the insurer from the assured of its intention to undertake wrecking, demolishing or tearing down operations shall bind the city. The public liability insurance policy, as well as the surety bond herein provided for, shall not be canceled except upon ~~ten (10)~~ thirty (30) days' written notice to the city, which written notice shall be served upon the department of licenses and consumer services. No Class A license shall be granted unless the applicant shall carry public liability insurance in a reliable insurance company or companies. Such policy of insurance shall not contain any "XC" (explosion, collapse) exclusion.

The liability insurance for personal injury shall be in the sum of one million five hundred thousand dollars (\$1,500,000.00) for one occurrence. Said policy shall also be in the sum of at least one hundred fifty thousand dollars (\$150,000.00) to cover loss or damage to property of any person or persons in any one occurrence. The city shall be named as an additional named insured in said policy. Copies of such public liability policy, together with a surety bond, shall be filed with the department of licenses and consumer services at the time of making application for the license. The surety bond shall be in the sum of fifty thousand dollars (\$50,000.00) to indemnify and save the city harmless from all damages, judgments, losses, claims, suits or liabilities of every kind growing out of the wrecking or demolition of any building. Such public liability insurance policy shall be approved pursuant to section 259.160 and the surety bond shall be on a form approved by the city attorney. No provisions in any such policy or bond relative to notice to the insurer from the assured of its intention to undertake wrecking, demolishing or tearing down operations shall bind the city. The public liability insurance policy, as well as the surety bond herein provided for, shall not be canceled except upon ~~ten (10)~~ thirty (30) days' written notice to the city, which written notice shall be served upon the department of licenses and consumer services.

Adopted 6/20/03.

Ordinance 2003-Or-076 amending Title 13, Chapter 278 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Heating, Ventilating and Air Conditioning, Gasfitting, Oil, Plumbers/Gas Fitter, Refrigeration and Steam and Hot Water Installers, amending Section 278.270 to change the time for providing written notice when cancelling insurance from 15 to 30 days, was passed 6/20/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-076
By Niziolek
Intro & 1st Reading: 5/16/03
Ref to: PS&RS
2nd Reading: 6/20/03

Amending Title 13, Chapter 278 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Heating, Ventilating and Air Conditioning, Gasfitting, Oil, Plumbers/ Gas Fitter, Refrigeration and Steam and Hot Water Installers.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 278.270 of the above-entitled ordinance be amended to read as follows:

278.270. Insurance required. Each contractor shall have and maintain in effect general liability insurance, which includes premises and operations insurance and products and completed operations insurance, with limits of at least one hundred thousand dollars (\$100,000.00) per occurrence, three hundred thousand dollars (\$300,000.00) aggregate limit for bodily injury, and property damage insurance with limits of at least one hundred thousand dollars (\$100,000.00) or a policy with a single limit for bodily injury and property damage of three hundred thousand dollars (\$300,000.00) per occurrence and three hundred thousand dollars (\$300,000.00) aggregate limits. Such insurance shall be written by an insurer licensed to do business in the State of Minnesota and each contractor shall maintain on file with the division of inspections a certificate evidencing such insurance and which provides that such insurance shall not be canceled without the insurer first giving ~~fifteen (15)~~ thirty (30) days written notice to the division of such cancellation. Contractors holding valid, unrevoked licenses as of June 30, 1998, shall comply with this section upon their next regular license renewal.

Adopted 6/20/03.

Ordinance 2003-Or-077 amending Title 13, Chapter 307 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Valet Parking*, amending Section 307.60 to move the refund of license fee to Appendix J of the Code, was passed 6/20/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-077
By Niziolek
Intro & 1st Reading: 5/16/03
Ref to: PS&RS
2nd Reading: 6/20/03

Amending Title 13, Chapter 307 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Valet Parking.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 307.60 of the above-entitled ordinance be amended to read as follows:

307.60. Refund of fee. If the application for a license is not granted, the applicant shall be refunded the fees paid by the applicant, less ~~thirty-three dollars (\$33.00)~~ fee for processing and application, specified in Appendix J License Fee Schedule.

Adopted 6/20/03.

Ordinance 2003-Or-078 amending Title 14, Chapter 362 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Liquor Licenses*, amending Section 362.60 to move the refund of fee to Appendix J of the Code, was passed 6/20/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-078
By Niziolek
Intro & 1st Reading: 5/16/03
Ref to: PS&RS
2nd Reading: 6/20/03

Amending Title 14, Chapter 362 of the Minneapolis Code of Ordinances relating to Liquor and Beer: Liquor Licenses.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 362.60 of the above-entitled ordinance be amended to read as follows:

362.60. Payment and receipt for fee; refunds. (a) The applicant shall, on or before filing of an application, pay to the department of licenses and consumer services the fees required under section 362.50, as established in Appendix J, License Fee Schedule, and the department shall give to such applicant a receipt in duplicate, a copy of which receipt shall be filed with such application.

(b) If any application for a new "on sale" or "off sale" license or for a renewal of an "on sale" or "off sale" license is denied or withdrawn, the fee paid under section 362.50(a) shall be ~~refunded~~ retained according to the sum specified in Appendix J, License Fee Schedule. If any application for a special license permitting the sale of intoxicating liquor on Sunday is denied or withdrawn, the sum established in Appendix J, License Fee Schedule shall be retained, and any sum over the amount specified in Appendix J, License Fee Schedule may be refunded.

Adopted 6/20/03.

Ordinance 2003-Or-079 amending Appendix J of the Minneapolis Code of Ordinances relating to *License Fee Schedule*, to move license fees to Appendix J and to adjust Appendix J to be in alphabetical order, was passed 6/20/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-079
By Niziolek
Intro & 1st Reading: 5/16/03
Ref to: PS&RS
2nd Reading: 6/20/03

Amending Appendix J of the Minneapolis Code of Ordinances relating to License Fee Schedule.

The City Council of the City of Minneapolis do ordain as follows

Section 1. That Appendix J of the above-entitled ordinance be amended to read as follows:

APPENDIX J
LICENSE FEES SCHEDULE

License	Ordinance	Fee	2% + Fee
Alcoholic Beverages			
Alcohol License Investigation Fee:	362.50(c)	366.110	\$500.00
Liquor—On Sale			
Class A	362.50(a)	\$8,446.00	\$8,615.00
Class B	362.50(a)	\$7,104.00	\$7,246.00
Class C-1	362.50(a)	\$6,664.00	\$6,797.00
Class C-2	362.50(a)	\$6,104.00	\$6,226.00

Class D	362.50(a)	\$5,430.00	\$5,539.00
Class E	362.50(a)	\$5,093.00	\$5,195.00
Sunday Sales*	362.50(a)	\$200.00	\$200.00
Investigation Fee—On and Off Sale	*360.50(c)	\$500.00	\$500.00
Temp. On Sale Liquor			
<10,000 people/day	362.35(d)	\$171.00	\$174.00
Director Granted	362.35(d)	\$255.00	\$260.00
>>10,000 people/day	362.35(d)	\$284.00	\$289.00
Director Granted	362.35(d)	\$425.00	\$434.00
Temporary Entertainment	362.35(e)	\$67.00	\$68.00
Retained, Sunday Sale Denial	362.60(b)	\$39.00	\$39.00
Retained, Liquor On and Off Sale <u>withdrawn</u>	<u>362.60(b)</u>	<u>\$100.00</u>	
Retained, Liquor On and Off Sale <u>(denied)</u>	<u>362.60(b)</u>	<u>\$300.00</u>	
Temporary Expansion	362.50(e)	\$129.00	\$132.00
Director Granted Temporary Expansion	362.36(a)(5)	\$194.00	\$198.00
Temporary Outdoor Entertainment	360.100(b)(5)	\$180.00	\$184.00
Director Granted Temporary Outdoor			
Entertainment	362.36(a)(5)	\$270.00	\$275.00
Temporary Entertainment w/o Expansion	360.100(b)(5)	\$129.00	\$132.00
Reapplication	362.90(b)	\$77.00	\$79.00
Liquor—Off Sale*	362.50	\$1,000.00	\$1,000.00
Food, Ice (Additional cost to Off-Sale Liquor)	362.50	\$202.00	\$206.00
Beer—On Sale			
Class A	366.60	\$4,291.00	\$4,377.00
Class B	366.60	\$2,951.00	\$3,010.00
Class C-1	366.60	\$2,589.00	\$2,641.00
Class C-2	366.60	\$1,941.00	\$1,980.00
Class D	366.60	\$1,268.00	\$1,293.00
Class E	366.60	\$939.00	\$958.00
Nonprofit Temporary	366.40(a)	\$65.00	\$66.00
Each Additional Day	366.40(a)	\$33.00	\$34.00
Temporary Expansion	366.60	\$129.00	\$132.00
Director Granted Temporary Expansion	366.40(e)	\$194.00	\$198.00
Beer—Off Sale	366.60	\$168.00	\$171.00
Wine—On Sale			
Class A*	363.50(a)	\$2,000.00	\$2,000.00
Class B*	363.50(a)	\$2,000.00	\$2,000.00
Class C-1*	363.50(a)	\$2,000.00	\$2,000.00
Class C-2*	363.50(a)	\$2,000.00	\$2,000.00
Class D	363.50(a)	\$1,618.00	\$1,651.00
Class E	363.50(a)	\$1,294.00	\$1,320.00
Temporary License/Nonprofit	363.41(d)	\$129.00	\$132.00
Temporary Expansion	363.50(a)	\$129.00	\$132.00
Special Expansion	363.41(d)	\$194.00	\$198.00
Wine On Sale with Beer (price of beer only)			
Add—Strong Beer	363.25(e)		
Class A		\$648.00	\$661.00
Class B		\$648.00	\$661.00
Class C-1		\$648.00	\$661.00
Class C-2		\$648.00	\$661.00
Class D		\$648.00	\$661.00
Class E		\$648.00	\$661.00

Add—3.2% Beer	363.26(e)		
Class A		\$323.00	\$329.00
Class B		\$323.00	\$329.00
Class C-1		\$323.00	\$329.00
Class C-2		\$323.00	\$329.00
Class D		\$323.00	\$329.00
Class E		\$323.00	\$329.00
Temporary On Sale Wine			
<10,000 people/day	363.41(d)	\$171.00	\$174.00
Director Granted	363.41(d)	\$255.00	\$260.00
>>10,000 people/day	363.41(d)	\$284.00	\$290.00
Director Granted	363.41(d)	\$425.00	\$434.00
Temporary Entertainment	363.41(e)	\$67.00	\$68.00
Bottle Club			
On-Sale Liquor	372.70	\$324.00	\$330.00
On-Sale Beer	372.70	\$939.00	\$958.00
Amusement Devices	267.600	\$87.00	\$89.00
Each Machine*	267.600	\$15.00	\$15.00
Replacement Decal	267.650	\$2.00	\$2.00
Amusement, Place of			
Class A	267.860	\$832.00	\$849.00
Class B	267.860	\$77.00	\$79.00
Class C	267.860	\$416.00	\$424.00
Antique Dealer			
Class A	321.260(1)	\$243.00	\$248.00
Class B	321.260(2)	\$243.00	\$248.00
Antique Mall Dealer			
Class A	321.260(5)	\$243.00	\$248.00
Additional location	321.260(7)	\$16.00	\$17.00
Class B	321.260(6)	\$65.00	\$66.00
Additional location	321.260(7)	\$16.00	\$17.00
Antique Mall Operator			
Class A	321.260(3)	\$351.00	\$358.00
Class B	321.260(4)	\$351.00	\$358.00
Asphalt, Shingle & Roofing Mfg.	269.30	\$1,020.00	\$1,040.00
Bed & Breakfast Facility	297A.30	\$124.00	\$126.00
Investigation Fee	297A.30	\$62.00	\$63.00
Billboard Erector	277.2520	\$141.00	\$144.00
Bill Posting and Sign Painting	277.2680	\$141.00	\$144.00
Bill Posting, Sign Painting/Hanger Combined	277.2680	\$141.00	\$144.00
Bowling Alley			
1st Alley	267.420	\$113.00	\$115.00
Each Add'l	267.420	\$29.00	\$29.00
Bowling, Billiards, All Nt.	360.80	\$77.00	\$79.00
Building Trades			
Duct Cleaner Contractor	see:278.240		
Gas Fitter Contractor	see:278.240		
Heating, Ventilation and			
Air conditioning Contractor	see:278.240		
Oil Burner Contractor	see:278.240		
Plumber Contractor	see:278.240		
Refrigeration Contractor Steam and			
Hot Water Contractor	see:278.240		

Building Wrecker			
Class A&B	277.2280	\$191.00	\$195.00
Lowest Prorate Amt.	277.2280	\$99.00	\$101.00
Bulk Gas and Oil Storage	287.50	\$485.00	\$495.00
Carnival			
0—9 Attractions, First Day	267.500(b)(1)	\$113.00	\$115.00
Each Add'l	267.500(b)(1)	\$36.00	\$36.00
10—19 Attractions, First Day	267.500(b)(2)	\$184.00	\$188.00
Each Add'l	267.500(b)(2)	\$36.00	\$36.00
20 or more Attractions, First Day	267.500(b)(3)	\$367.00	\$374.00
Each Add'l	267.500(b)(3)	\$36.00	\$36.00
Car Wash	265.250	\$204.00	\$208.00
Children's Rides			
Each Per Week	267.70	\$13.00	\$13.00
Christmas Trees Dealer	279.40	\$99.00	\$101.00
Circus			
To 14 Days	267.50	\$424.00	\$433.00
Each Add'l Day	267.50	\$70.00	\$71.00
Courtesy Bench			
New	283.40	\$42.00	\$42.00
Renew	283.40	\$21.00	\$22.00
Transfer	283.240	\$20.00	\$20.00
Dance Hall	267.1340	\$367.00	\$374.00
Dancing School	285.40	\$42.00	\$42.00
Dry Cleaner/Laundry			
Flammable	301.50	\$357.00	\$364.00
Non-flammable/Laundry	301.50	\$255.00	\$260.00
Pickup Station	301.50	\$107.00	\$109.00
Coin-operated	301.150	\$255.00	\$260.00
Add'l after 1st coin machine	301.150	\$27.00	\$28.00
<u>Duct Cleaner Contractor</u>	<u>278.240</u>	<u>\$216.00</u>	<u>\$220.00</u>
Entertainment, Place of	267.1140		
Within B4			
Up to 2,500	267.1140(1)	\$536.00	\$547.00
2,501—5,000	267.1140(2)	\$765.00	\$780.00
5,000—10,000	267.1140(3)	\$1,148.00	\$1,171.00
more than 10,000	267.1140(4)	\$1,683.00	\$1,717.00
Outside of Downtown B4			
1 to 2,500	267.1140(5)	\$357.00	\$364.00
2,501—5,000	267.1140(6)	\$510.00	\$520.00
5,001—10,000	267.1140(7)	\$765.00	\$780.00
more than 10,000	267.1140(8)	\$1,122.00	\$1,144.00
Exhibition Exhibitor One loc.	321.470(e)(1)	\$49.00	\$50.00
Exhibition Operator			
Class A	321.470(a)	\$810.00	\$826.00
Class B	321.470(b)	\$540.00	\$551.00
Class C	321.470(c)	\$270.00	\$275.00
Fire Extinguisher Sales/Serv.			
Class A	289.60	\$310.00	\$316.00
Class B	289.60	\$220.00	\$224.00
Flower Cart Vendor	331.90(b)	\$141.00	\$144.00
Location Transfer, Midseason	331.90(b)	\$98.00	\$100.00

Food			
All Night Special	360.70(a)	\$77.00	\$79.00
Confectionery			
1,000 sq. ft. or less	188.250	\$97.00	\$99.00
1,001 to 3,000	188.250	\$153.00	\$156.00
3,001 to 5,000	188.250	\$204.00	\$208.00
5,001 to 7,000	188.250	\$255.00	\$260.00
7,001 to 9,000	188.250	\$306.00	\$312.00
9,001 to 11,000	188.250	\$357.00	\$364.00
11,001 to 13,000	188.250	\$408.00	\$416.00
13,001 to 15,000	188.250	\$459.00	\$468.00
15,001 sq. ft. and over	188.250	\$510.00	\$520.00
Drive-in***	188.250	\$333.00	\$340.00
Drive-in (Restricted)***	188.250	\$70.00	\$71.00
Farm Produce (Nonprofit)	265.390	\$42.00	\$42.00
Food Distributor or Manufacturer			
1,000 sq. ft. or less	188.250	\$255.00	\$260.00
1,001 to 3,000	188.250	\$306.00	\$312.00
3,001 to 5,000	188.250	\$357.00	\$364.00
5,001 to 7,000	188.250	\$408.00	\$416.00
7,001 to 9,000	188.250	\$459.00	\$468.00
9,001 to 11,000	188.250	\$510.00	\$520.00
11,001 to 13,000	188.250	\$561.00	\$572.00
13,001 to 15,000	188.250	\$612.00	\$624.00
15,001 sq. ft. and over	188.250	\$663.00	\$676.00
Food Distributor—Out of Town	188.290	\$50.00	\$51.00
Food Shelf	188.250	\$1.00	\$1.00
Food Establishment Plan review fees—new business			
Risk 1 establishment			
1000 sq. ft. or less	188.370	\$100.00	\$300.00
1001-3000 sq. ft.	188.370	\$150.00	\$400.00
3001-5000 sq. ft.	188.370	\$150.00	\$500.00
5001-7000 sq. ft.	188.370	\$200.00	\$600.00
Risk 2 establishments			
1000 sq. ft. or less	188.370	\$100.00	\$250.00
1001-3000 sq. ft.	188.370	\$150.00	\$350.00
3001-5000 sq. ft.	188.370	\$150.00	\$450.00
5001-7000 sq. ft.	188.370	\$200.00	\$550.00
Risk 3 establishments			
1000 sq. ft. or less	188.370	\$100.00	\$150.00
1001-3000 sq. ft.	188.370	\$150.00	\$250.00
3001-5000 sq. ft.	188.370	\$150.00	\$300.00
5001-7000 sq. ft.	188.370	\$200.00	\$400.00
Food Establishment Plan review fees—remodel			
Risk 1 establishment			
1000 sq. ft. or less	188.370	\$100.00	\$225.00
1001-3000 sq. ft.	188.370	\$150.00	\$300.00
3001-5000 sq. ft.	188.370	\$150.00	\$375.00
5001-7000 sq. ft.	188.370	\$200.00	\$450.00
Risk 2 establishments			
1000 sq. ft. or less	188.370	\$100.00	\$187.00
1001-3000 sq. ft.	188.370	\$150.00	\$262.00
3001-5000 sq. ft.	188.370	\$150.00	\$337.00
5001-7000 sq. ft.	188.370	\$200.00	\$412.00

Risk 3 establishments			
1000 sq. ft. or less	188.370	\$100.00	\$112.00
1001-3000 sq. ft.	188.370	\$150.00	\$187.00
3001-5000 sq. ft.	188.370	\$150.00	\$225.00
5001-7000 sq. ft.	188.370	\$200.00	\$300.00
Food Vehicle Inspection			
	232.30	\$50.00	\$51.00
	190.130	\$50.00	\$51.00
	188.310	\$50.00	\$51.00
Grocery			
500 sq. ft. or less, restricted	188.250	\$332.00	\$339.00
500—1,000, restricted	188.250	\$464.00	\$473.00
1,000 sq. ft. or less	188.250	\$464.00	\$473.00
1,001—5,000	188.250	\$906.00	\$924.00
5,001—7,500	188.250	\$973.00	\$992.00
7,501—10,000	188.250	\$1,038.00	\$1,059.00
10,001—15,000	188.250	\$1,163.00	\$1,186.00
15,001 plus	188.250	\$1,230.00	\$1,255.00
Grocery & Milk Delivery Vehicle	200.70(h)	\$93.00	\$95.00
Groceteria/Portable Store	295.100	\$438.00	\$447.00
Indoor Food Cart	188.520(j)	\$356.00	\$364.00
Kiosk Food Cart Vendor	188.250	\$356.00	\$364.00
Meat Market			
1,000 sq. ft. or less	188.250	\$255.00	\$260.00
1,001 to 3,000	188.250	\$306.00	\$312.00
3,001 to 5,000	188.250	\$357.00	\$364.00
5,001 to 7,000	188.250	\$408.00	\$416.00
7,001 to 9,000	188.250	\$459.00	\$468.00
9,001 to 11,000	188.250	\$510.00	\$520.00
11,001 to 13,000	188.250	\$561.00	\$572.00
13,001 to 15,000	188.250	\$612.00	\$624.00
15,001 sq. ft. and over	188.250	\$663.00	\$676.00
Mobil Food Vendor	188.250	\$93.00	\$95.00
Prepackaged Perishable	188.250	\$160.00	\$164.00
Outdoor Entertainment, Temp.	360.100(b)(5)	\$124.00	\$126.00
Restaurant, Cafe, Dining Rooms, Boardinghouses, Caterers			
1,000 sq. ft. or less	188.250	\$306.00	\$312.00
1,001 to 3,000	188.250	\$408.00	\$416.00
3,001 to 5,000	188.250	\$510.00	\$520.00
5,001 to 7,000	188.250	\$612.00	\$624.00
7,001 to 9,000	188.250	\$714.00	\$728.00
9,001 to 11,000	188.250	\$816.00	\$832.00
11,001 to 13,000	188.250	\$918.00	\$936.00
13,001 to 15,000	188.250	\$1,020.00	\$1,040.00
15,001 sq. ft. and over	188.250	\$1,224.00	\$1,248.00
Short Term Permit	188.170	\$70.00	\$71.00
Short Term Food Establishment	188.170	\$185.00	\$189.00
Sidewalk Cafe			
30 seats or less	265.330(a)	\$282.00	\$288.00
31 seats or more	265.330(a)	\$408.00	\$416.00
Sidewalk Food Cart Vendor	188.250	\$721.00	\$735.00
Location Transfer, Midseason	188.250	\$113.00	\$115.00

Soft Drinks			
1,000 sq. ft. or less	188.250	\$97.00	\$99.00
1,001 to 3,000	188.250	\$153.00	\$156.00
3,001 to 5,000	188.250	\$204.00	\$208.00
5,001 to 7,000	188.250	\$255.00	\$260.00
7,001 to 9,000	188.250	\$306.00	\$312.00
9,001 to 11,000	188.250	\$357.00	\$364.00
11,001 to 13,000	188.250	\$408.00	\$416.00
13,001 to 15,000	188.250	\$459.00	\$468.00
15,001 sq. ft. and over	188.250	\$510.00	\$520.00
Soft Drink Manufacturing	198.30	\$149.00	\$151.00
Vending Machine (Food)*	188.250	\$15.00	\$15.00
Nut Vending Machine*	188.250	\$5.00	\$5.00
Wholesale Sausage Manufacturer			
1—1,000 sq. ft.	190.120	\$149.00	\$151.00
1,001—5,000	190.120	\$438.00	\$447.00
5,001 plus	190.120	\$1,174.00	\$1,197.00
Fuel Dealer	291.50	\$141.00	\$144.00
Gambling (Charitable Only, per day)	268.60(a)	\$62.00	\$63.00
Game of Skill	267.40	\$99.00	\$101.00
Gas Fitter	278.240	\$216.00	\$220.00
Gasoline Filling Station			
4 or less	287.50	\$230.00	\$235.00
5 to 8	287.50	\$357.00	\$364.00
9 or more	287.50	\$485.00	\$495.00
Going Out of Business	293.70	\$106.00	\$108.00
Plus for each \$1,000.00 of Inventory	293.70	\$10.00	\$10.00
First Renewal Maximum			
Add'l 30 days	293.80	\$211.00	\$216.00
Second Renewal, per day	293.80	\$70.00	\$71.00
Fire, Actual Disaster	293.20	\$113.00	\$115.00
Each Add'l Day	293.20	\$29.00	\$29.00
City Acquired Property	293.70	\$99.00	\$101.00
<u>Heating, Ventilation and Air Conditioning</u>			
<u>Installers</u>	<u>278.240</u>	<u>\$216.00</u>	<u>\$220.00</u>
Horse & Carriage	303.30	\$149.00	\$151.00
Maximum Cleanup Fee		\$617.00	\$629.00
Temporary Route	303.110	\$12.00	\$12.00
Hospital	296.50	\$877.00	\$894.00
Hotel/Motel			
1—20	297.50(b)	\$312.00	\$318.00
21—75	297.50(b)	\$520.00	\$530.00
76—200	297.50(b)	\$585.00	\$597.00
201 plus	297.50(b)	\$911.00	\$929.00
Ice Peddler			
Per Vehicle	299.30	\$93.00	\$95.00
Ice Producer, Dealer, Wholesaler	299.30	\$220.00	\$224.00
Juke Box	267.960	\$42.00	\$43.00
Liquid Waste Hauler	225.420	\$193.00	\$197.00
Lodging House			
1—5 sleeping rooms	298.50	\$173.00	\$176.00
6—10	298.50	\$260.00	\$265.00
11—25	298.50	\$348.00	\$355.00
26 plus	298.50	\$521.00	\$531.00

Lodging with Boardinghouse			
1—5 sleeping rooms	298.50	\$348.00	\$355.00
6—10	298.50	\$435.00	\$444.00
11—25	298.50	\$521.00	\$531.00
26 plus	298.50	\$695.00	\$709.00
Milk Delivery Vehicle	200.70(g)	\$93.00	\$95.00
Each Addl. Vehicle	200.70(g)	\$36.00	\$37.00
Milk Distributor	200.50(a)	\$254.00	\$259.00
Motor Scooter Leasing	311.40	\$96.00	\$98.00
Motor Vehicle Dealer			
New and Used	313.40	\$290.00	\$296.00
Auctioneer	313.40	\$149.00	\$152.00
Cycles, Scooters and Motor-bike	313.40	\$149.00	\$152.00
Used Only	313.40	\$312.00	\$318.00
Broker	313.40	\$330.00	\$337.00
Wholesaler	313.40	\$178.00	\$182.00
Additional Places of Business	313.40	\$153.00	\$156.00
Motor Vehicle Immobilization Service	320.30	\$297.00	\$303.00
Motor Vehicle Lubricant Dealer	315.30	\$141.00	\$144.00
Motor Vehicle Repair Garage	317.40	\$345.00	\$352.00
with Accessory	317.40	\$120.00	\$122.00
Motor Vehicle Servicing—Driver			
New	349.130	\$36.00	\$36.00
Renewal	349.130	\$21.00	\$22.00
Duplicate ID or ID Picture	349.130	\$8.00	\$8.00
Motor Vehicle Servicing—Vehicles			
Class A			
1—5 Vehicles	349.150	\$734.00	\$749.00
6—15 Vehicles	349.150	\$1,110.00	\$1,132.00
Each Add'l Vehicle	349.150	\$21.00	\$22.00
Class B	349.250	\$113.00	\$115.00
Each Add'l Vehicle		\$21.00	\$22.00
Class C	349.250	\$77.00	\$79.00
Each Add'l Vehicle		\$21.00	\$22.00
Class D	349.250	\$50.00	\$51.00
Each Add'l Vehicle		\$21.00	\$22.00
Motor Vehicle Used Parts Dealer	348.30	\$510.00	\$520.00
Each Add'l Lot	348.30	\$47.00	\$48.00
Oil Burner Installer	278.240	\$216.00	\$220.00
Parking Lot			
Commercial Class A			
1—50 Spaces	319.60	\$282.00	\$288.00
51—100	319.60	\$416.00	\$424.00
101—200	319.60	\$694.00	\$708.00
201 plus	319.60	\$1,108.00	\$1,130.00
Commercial Class B			
1—50 Spaces	319.60	\$77.00	\$79.00
51—100	319.60	\$149.00	\$151.00
101—200	319.60	\$220.00	\$224.00
201 +	319.60	\$438.00	\$447.00
Pawn Broker			
Class A	324.50	\$2,700.00	\$2,754.00
Peddler (Foot)	323.20	\$149.00	\$151.00
Peddler (Junk)	323.30	\$70.00	\$71.00

Pedicab (Each)	305.30	\$77.00	\$79.00
Pet Shop Regular	68.20	\$120.00	\$122.00
Mobile	68.20	\$149.00	\$152.00
Plumber	278.240	\$216.00	\$220.00
Pool, Billiards			
1st Table	267.1230	\$221.00	\$226.00
Each Add'l	267.1230	\$29.00	\$29.00
Precious Metal Dealer	322.50	\$367.00	\$374.00
Recycling/Salvage	350.40	\$756.00	\$771.00
Additional Yard	350.40	\$270.00	\$275.00
New Salvage Yard Surcharge	350.40	\$500.00	
Refrigeration Installer	278.240	\$216.00	\$220.00
Rental Hall, New	266.30	\$1,000.00	\$1,020.00
Annual Renewal	266.30	\$600.00	\$612.00
Temp. Hall	266.70	\$200.00	\$204.00
Residential Specialty Contractor	277.2990	\$150.00	\$153.00
Resin Manufacturer	272.50	\$2,040.00	\$2,081.00
Secondhand Dealer			
Class A	321.50	\$243.00	\$248.00
Class B	321.50	\$243.00	\$248.00
Shooting Gallery	267.1680	\$99.00	\$101.00
Sidewalk Flower Cart Vendor	331.40	\$141.00	\$144.00
Midseason Transfer	331.90	\$106.00	\$108.00
Sign Hanger	277.2520	\$141.00	\$144.00
Skating Rink Ice, Roller	267.30	\$255.00	\$260.00
Solicitor			
Company	333.60	\$149.00	\$151.00
Individual	333.60	\$149.00	\$151.00
Solid Waste Hauler	225.320	\$149.00	\$151.00
Each Add'l Vehicle	225.320	\$77.00	\$79.00
New Decal or Vehicle to Vehicle Transfer	225.320	\$13.00	\$13.00
Steam and Hot Water Installer	278.240	\$216.00	\$220.00
Street Photographer	335.30		
Per Camera		\$211.00	\$216.00
Suntanning Facility	232.20(b)	\$116.00	\$118.00
Swimming Pool, Public	231.480	\$149.00	\$151.00
Add'l Pool, Same Location	\$231.480	\$77.00	\$79.00
Whirlpool Only	231.480	\$77.00	\$79.00
Tattooing Establishment	339.100(b)	\$162.00	\$165.00
Sponsor Temporary	339.120(6)	\$81.00	\$83.00
Tattooist/Piercing	339.100(a)	\$162.00	\$165.00
Temporary	339.120(5)	\$81.00	\$83.00
Theater			
Zone 1			
1—400 Capacity	267.1850	\$149.00	\$151.00
401—600	267.1850	\$191.00	\$195.00
601—1,000	267.1850	\$240.00	\$245.00
1,001—1,500	267.1850	\$283.00	\$288.00
1,501—2,000	267.1850	\$283.00	\$288.00
2,001 +	267.1850	\$283.00	\$288.00
Zone 2			
1—400 Capacity	267.1850	\$191.00	\$195.00
401—600	267.1850	\$240.00	\$245.00
601—1,000	267.1850	\$283.00	\$288.00

1,001—1,500	267.1850	\$383.00	\$390.00
1,501—2,000	267.1850	\$473.00	\$482.00
2,001 +	267.1850	\$473.00	\$482.00
Zone 3			
1—400 Capacity	267.1850	\$473.00	\$482.00
401—600	267.1850	\$565.00	\$577.00
601—1,000	267.185	\$757.00	\$772.00
1,001—1,500	267.1850	\$941.00	\$960.00
1,501—2,000	267.1850	\$1,124.00	\$1,146.00
2,001 +	267.1850	\$1,881.00	\$1,918.00
Tobacco Dealer	281.30	\$250.00	\$255.00
Transient Merchant	343.50	\$204.00	\$208.00
Each Add'l Loc.	343.50	\$77.00	\$79.00
Tree Servicing	347.70	\$77.00	\$79.00
Each Add'l Vehicle	347.70	\$26.00	\$27.00
Valet Parking			
One authorized zone	307.40	\$510.00	\$520.00
each additional zone	307.40	\$102.00	\$104.00
zone operated by employees of existing licensed business	307.40	\$102.00	\$104.00
Wreckers and Tow Trucks			
Replacement Vehicle	349.50	\$20.00	\$20.00
Bill Posting, Sign Painting/ <u>Hanger</u> Combined	277.2680	\$141.00	\$144.00
Heating, Ventilation and Air Conditioning Installer	278.240	\$216.00	\$220.00
Oil Burner Installer	278.240	\$216.00	\$220.00
Plumber	278.240	\$216.00	\$220.00
Refrigeration Installer	278.240	\$216.00	\$220.00
Residential Specialty Contractor	277.2990	\$150.00	\$153.00
Sign Hanger	277.2520	\$141.00	\$144.00
Steam and Hot Water Installer	278.240	\$216.00	\$220.00
License Fee Generally			
Processing charge	261.30	\$36.00	\$37.00
New Business Surcharge	261.35	\$100.00	\$102.00
Prorating of fees	261.40	\$36.00	\$37.00
License Renewals 10% Late Fee	267.660		
<u>License Renewal Late Fee 20%-50%</u>	<u>261.20</u>		
Liquor License Penalty 20% for late renewal			
Liquor	362.80		
Penalty for late installment 20% Liquor	362.90		
Penalty for late renewal 20% Wine	363.80		
Penalty for late installment 20% Wine	363.90		
Payment and Receipt Beer License	366.70	\$95.00	\$97.00
Penalty for late renewal 20% Beer	366.90		
Replacement Decals, Generally			
2 inches square or less	261.36	\$2.00	\$2.00
More than 2 inches square	261.36	\$12.00	\$12.00

Adopted 6/20/03.

PS&RS - Your Committee, to whom was referred ordinances amending Titles 10, 13 and 14 of the Minneapolis Code of Ordinances relating to the limits on the hours of the sale of alcoholic beverages, to extend the legal hours of the sale of on-sale liquor and on-sale 3.2 percent malt liquor from 1:00 a.m. to 2:00 a.m. citywide, now recommends that the following ordinances be sent forward without recommendation:

- a. Chapter 188 relating to *Food Code: Administration and Licensing*;
- b. Chapter 267 relating to *Licenses and Business Regulations: Amusements*;
- c. Chapter 360 relating to *Liquor and Beer: In General*;
- d. Chapter 363 relating to *Liquor and Beer: Wine Licenses*;
- e. Chapter 364 relating to *Liquor and Beer: Liquor Licenses*;
- f. Chapter 368 relating to *Liquor and Beer: Beer Regulations*.

Niziolek moved that the report be amended by deleting the language "sent forward without recommendation" and inserting in lieu thereof "given their second reading for amendment and passage".
Seconded.

Adopted by unanimous consent.

Zerby moved to substitute new ordinances for the above-entitled ordinances to restrict the 2:00 a.m. sale of on-sale liquor and 3.2 percent malt liquor to the Downtown Liquor District to include the First Police Precinct and the East Bank Commercial District, as set forth on the map included in Petn No 268879 on file in the Office of the City Clerk. Seconded.

Lost. Yeas, 5; Nays, 8 as follows:

Yeas - Schiff, Zerby, Lilligren, Johnson Lee, Ostrow.

Nays - Johnson, Colvin Roy, Zimmermann, Niziolek, Benson, Goodman, Lane, Samuels.

Schiff moved to substitute new ordinances for the above-entitled ordinances that would restrict the 2:00 a.m. sale of on-sale liquor and 3.2 percent malt liquor to the Downtown Liquor District to include Cedar-Riverside, Uptown, Eat Street, and the Lyn-Lake area, as set forth on the map in Petn No 268878 on file in the Office of the City Clerk. Seconded.

Lost. Yeas, 4; Nays, 9 as follows:

Yeas - Schiff, Zerby, Lilligren, Johnson Lee.

Nays - Johnson, Colvin Roy, Zimmermann, Niziolek, Benson, Goodman, Lane, Samuels, Ostrow.

The report, as amended, was adopted 6/20/03.

Yeas, 11; Nays, 2 as follows:

Yeas - Johnson, Colvin Roy, Zimmermann, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Lane, Samuels, Ostrow.

Nays - Zerby, Schiff.

Approved by Acting Mayor Ostrow 6/23/03.

(Published 6/24/03)

Ordinance 2003-Or-080 amending Title 10, Chapter 188 of the Minneapolis Code of Ordinances relating to *Food Code: Administration and Licensing*, amending Section 188.400 to restrict music between the hours of 2:00 a.m. and 8:00 a.m. at cafes, restaurants or other public eating places or any place furnishing food to the public, was passed 6/20/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-080
By Goodman and Benson
Intro & 1st Reading: 6/6/03
Ref to: PS&RS
2nd Reading: 6/20/03

Amending Title 10, Chapter 188 of the Minneapolis Code of Ordinances relating to Food Code: Administration and Licensing.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That, effective July 1, 2003, Section 188.400 of the above-entitled ordinance be amended to read as follows:

188.400. Music restricted at certain hours. (a) No cafe, restaurant or other public eating place or any place furnishing food to the public, shall have in the licensed premises any music between 4:2:00 a.m. and 8:00 a.m. This shall not prevent radio, television, jukebox or any other prerecorded music, provided it does not constitute a nuisance.

(b) Any violation of this section shall be grounds for revocation of all licenses held by the licensee of the premises where the violation occurs.

Adopted. Yeas, 11; Nays, 2 as follows:

Yeas - Johnson, Colvin Roy, Zimmermann, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Lane, Samuels, Ostrow.

Nays - Zerby, Schiff.

Approved by Acting Mayor Ostrow 6/23/03.

Ordinance 2003-Or-081 amending Title 13, Chapter 267 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Amusements*, amending Section 267.1390 to restrict public dancing between the hours of 2:00 a.m. and 6:00 a.m. weekdays and between 2:00 a.m. and noon on Sunday, was passed 6/20/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-081
By Goodman and Benson
Intro & 1st Reading: 6/6/03
Ref to: PS&RS
2nd Reading: 6/20/03

Amending Title 13, Chapter 267 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Amusements.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That, effective July 1, 2003, Section 267.1390 of the above-entitled ordinance be amended to read as follows:

267.1390. Hours. No public dance shall continue or be held or conducted by anyone between the hours of 4:2:00 a.m. and 6:00 a.m. of any weekday, nor between 4:2:00 a.m. and noon on Sunday.

Adopted. Yeas, 11; Nays, 2 as follows:

Yeas - Johnson, Colvin Roy, Zimmermann, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Lane, Samuels, Ostrow.

Nays - Zerby, Schiff.

Approved by Acting Mayor Ostrow 6/23/03.

Ordinance 2003-Or-082 amending Title 14, Chapter 360 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: In General*, amending Section 360.70 to restrict the operation of live entertainment, singing or dancing after 2:00 a.m. without a special late hours operation license, was passed 6/20/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-082
By Goodman and Benson
Intro & 1st Reading: 6/6/03
Ref to: PS&RS
2nd Reading: 6/20/03

Amending Title 14, Chapter 360 of the Minneapolis Code of Ordinances relating to Liquor and Beer: In General.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That, effective July 1, 2003, Section 360.70 of the above-entitled ordinance be amended to read as follows:

360.70. Special late hours food license. (a) Any person operating under an on-sale liquor, wine or beer license who desires to remain open for the service of food later than the hours provided in section 364.100 and section 368.70 may apply to the city council for a special late hours food license. Application shall be made on a form provided by the division of licenses and consumer services, containing such information as the division deems necessary to verify that the conditions of this section have been met and to make a recommendation regarding the application. The annual fee for a special late hours food license shall be as established in Appendix J, License Fee Schedule.

(b) The number of special late hours food licenses at any time issued and outstanding shall not exceed fifty (50).

(c) No special late hours food license shall be issued unless the establishment complies at all times with the following conditions:

- (1) The establishment shall be a banquet facility as defined in section 362.425(b) in which the meal service required by section 362.425(b) is actually available during the special hours of operation authorized under the license, or
- (2) The establishment shall be a restaurant which:
 - (i) Meets the standards set forth in section 362.390 and the standards in section 362.395 relating to percentage of revenue derived from the sale of food and nonalcoholic beverages, and
 - (ii) Maintains a substantial menu available during special late hours which includes at least four entrees, sandwiches, or other principal food items, and
 - (iii) Keep its business open for at least eight (8) continuous hours daily except Sunday, twelve (12) months a year, not including any hours authorized by its special late hours food license.

(d) The city council may issue a special late hours food license subject to additional conditions including, but not limited to:

- (1) Limitation on the special late hours of operation or the days of the week on which special late hours are authorized;
- (2) Requirements concerning menu items;
- (3) Requirements concerning staffing or security levels;
- (4) Any other requirement reasonably related to concerns of security, noise, litter, parking or traffic.

(e) The city council may deny, revoke, suspend or refuse to renew a special late hours food license for any of the following reasons:

- (1) The existence of special late hours disturbs the peace, quiet or repose of surrounding residential or commercial areas;
- (2) The existence of special late hours contributes to crime, disorderly behavior, noise, traffic, litter or parking problems in the area near the establishment;
- (3) Any violation of the laws relating to sale or service of alcoholic beverages;
- (4) Any violation of the terms of this section;
- (5) Any other good cause related to the operation of the establishment.

(f) Nothing herein shall permit the operation of live entertainment, singing or dancing after 4:00 a.m. regardless of the class of on-sale license held by an establishment. The operation of live entertainment, singing, or dancing after 4:00 a.m. shall require a special late hours ~~entertainment~~ operation license under section 360.75.

Adopted. Yeas, 11; Nays, 2 as follows:

Yeas - Johnson, Colvin Roy, Zimmermann, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Lane, Samuels, Ostrow.

Nays - Zerby, Schiff.

Approved by Acting Mayor Ostrow 6/23/03.

Ordinance 2003-Or-083 amending Title 14, Chapter 363 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Wine Licenses*, amending Section 363.40 to allow on-sale wine to be served until 2:00 a.m. citywide, was passed 6/20/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-083
By Goodman and Benson
Intro & 1st Reading: 6/6/03
Ref to: PS&RS
2nd Reading: 6/20/03

Amending Title 14, Chapter 363 of the Minneapolis Code of Ordinances relating to Liquor and Beer: Wine Licenses.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That, effective July 1, 2003, Section 363.40 of the above-entitled ordinance be amended to read as follows:

363.40. "On sale" licenses. (a) An "on sale" wine license may be issued only to a restaurant. No license shall be issued unless approved by the liquor control commissioner. No person licensed under this chapter shall sell wine except for consumption on the licensed premises only. No licensee shall sell or serve or permit to be served, sold or consumed on the premises named in the license any wine on any Sunday between the hours of 4:00 a.m. and 10:00 a.m.; nor on any other day between the hours of 4:00 a.m. and 8:00 a.m.; ~~nor between 8:00 p.m. on December 24 and 8:00 a.m. on December 25.~~

(b) *Class A.* A Class A "on sale" wine license shall permit all Class B, C, D and E activities, and in addition thereto shall permit dancing and entertainment, provided that the dance floor area shall not exceed two thousand (2,000) square feet.

This entertainment shall include stage shows, skits, vaudeville, theater, contests, dancing by employees or agents of the licensee, including patron participation in any of the aforementioned, and all other forms of entertainment carried on in conformity with the law.

(c) *Class B.* A Class B "on sale" wine license shall permit all Class C, D, and E activities, and in addition thereto shall permit live music and singing without limitation as to the number of musicians or singers or the type of amplification. Dancing and singing by patrons of the establishment are permitted. Stage shows, skits, vaudeville, theater, contests, dancing by employees or agents of the licensee, and patron participation in any of the aforementioned, are prohibited.

(d) *Class C.* Class C licenses shall be comprised of Class C-1 and Class C-2. A Class C-1 "on sale" wine license shall permit all Class D and E activities and in addition shall permit amplified or nonamplified music by five (5) or fewer musicians and group singing participated in by patrons of the establishment. A Class C-2 "on sale" wine license shall permit all Class D and E activities, and in addition thereto shall permit amplified or nonamplified music by three (3) or fewer musicians and group singing participated in by patrons of the establishment.

(e) *Class D.* A Class D “on sale” wine license shall permit all Class E activities, and in addition thereto shall permit nonamplified music by one musician, group singing participated in by patrons of the establishment, and ethnic dance, provided that such dance shall be performed only in conjunction with full-service restaurant dining for patrons seated at tables. “Ethnic dance” shall mean a traditional and authentic dance performance native to an ethnic cultural group, performed by dancers attired with fully opaque covering over genitals, pubic area, buttocks, and female breasts below the top of the areola. The maximum number of ethnic dancers shall be the same as the maximum number of musicians permitted by each license class.

(f) ~~{Class E.}~~ A Class E “on sale” wine license shall permit the sale of wine by the glass or bottle for consumption on the premises, and in addition thereto shall permit, as defined and when carried on in conformity with the ordinances of the city, the sale of food as a restaurant, and the use of radio, television, taped music and jukebox. All other devices producing musical sound are prohibited. No live entertainment or dancing shall be allowed.

Adopted. Yeas, 11; Nays, 2 as follows:

Yeas - Johnson, Colvin Roy, Zimmermann, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Lane, Samuels, Ostrow.

Nays - Zerby, Schiff.

Approved by Acting Mayor Ostrow 6/23/03.

Ordinance 2003-Or-084 amending Title 14, Chapter 364 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Liquor Regulations*, amending Section 364.80 to allow on-sale liquor to be served until 2:00 a.m. citywide; Section 364.85 to allow for the consumption of liquor or beer in any on-sale liquor or wine premises until 2:30 a.m.; and Section 364.100 to provide that “on-sale” premises without special licenses shall be closed between the hours of 2:30 a.m. and 5:00 a.m., was passed 6/20/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-084
By Goodman and Benson
Intro & 1st Reading: 6/6/03
Ref to: PS&RS
2nd Reading: 6/20/03

Amending Title 14, Chapter 364 of the Minneapolis Code of Ordinances relating to Liquor and Beer: Liquor Regulations.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That, effective July 1, 2003, Section 364.80 of the above-entitled ordinance be amended to read as follows:

364.80. Hours, days regulated. (a) No on-sale of liquor may be made:

- (1) Between 4~~2~~:00 a.m. and 8:00 a.m. on the days of Monday through Saturday;
- (2) After 4~~2~~:00 a.m. on Sundays, except with a valid Sunday sales license as provided in subsection (c).

(b) No off-sale of liquor may be made:

- (1) On Sundays;
- (2) Before 8:00 a.m. on Monday through Saturday;

- (3) After 8:00 p.m. on Monday through Thursday and after 10:00 p.m. on Friday and Saturday, provided that an off-sale establishment may sell liquor until 10:00 p.m. on December 31 and July 3, and on the day preceding Thanksgiving Day, except when those days fall on Sunday;
- (4) On Thanksgiving Day;
- (5) On December 25; or
- (6) After 8:00 p.m. on December 24.

(c) Sunday sales. Establishments to which "on sale" licenses have been issued or hereafter may be issued for the sale of intoxicating liquors which are hotels or restaurants and which have facilities for serving not less than fifty (50) guests at one time, may serve intoxicating liquors between the hours of 10:00 a.m. on Sundays and 12:00 a.m. on Mondays in conjunction with the serving of food. It is unlawful for any such establishment, directly or indirectly, to sell or serve intoxicating liquors as provided in this subsection without having first obtained a special license therefor. Application for said special license shall be made to the council in the same manner as application is made for other licenses to sell intoxicating liquor.

Section 2. That, effective July 1, 2003, Section 364.85 of the above-entitled ordinance be amended to read as follows:

364.85. Consumption in on-sale liquor or wine premises; hours regulated. No person, including the licensee and his or her employees and agents, shall consume liquor or beer in any on-sale liquor or wine premises between 1:15 2:30 a.m. and 8:00 a.m.

Section 3. That, effective July 1, 2003, Section 364.100 of the above-entitled ordinance be amended to read as follows:

364.100. "On sale" premises without special licenses to close certain hours. ~~(a) Except as provided in subsection (b), e~~ Every room, place or premises where any liquor is permitted to be or is sold, including the cafe, restaurant or dining room operated in connection therewith, or as a part thereof, and in which such liquor is sold or served by the licensee thereof pursuant to an "on sale" license, shall be closed and kept closed to the public between the hours of 1:15 2:30 a.m. and 5:00 a.m., unless the licensee is the owner and holder of a special late hours license provided for in sections 360.70, 360.75, and 360.80. During said hours, if the licensee is not the owner or holder of a special late hours license, no person shall be allowed to be or remain upon or within such room, place or premises for any purpose whatever, except that the owner or licensee, his or her agents, servants or employees may remain therein for the purpose only of cleaning, preparation of meals, necessary repairs or other work therein and in connection therewith, or as guards.

~~(b) In the Central Commercial District, as defined in 360.10, all of the provisions of subsection (a) shall remain in effect except, until October 15, 2000, that persons not exempt by that subsection may remain on the licensed premises until 1:30 a.m. No alcoholic beverages may be consumed on such premises after 1:15 a.m.~~

Adopted. Yeas, 11; Nays, 2 as follows:

Yeas - Johnson, Colvin Roy, Zimmermann, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Lane, Samuels, Ostrow.

Nays - Zerby, Schiff.

Approved by Acting Mayor Ostrow 6/23/03.

Ordinance 2003-Or-085 amending Title 14, Chapter 368 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Beer Regulations*, amending Section 368.60 to allow "on-sale" or "off-sale" beer to be served or sold until 2:00 a.m. citywide; and Section 368.70 to provide that premises without special licenses shall be closed between the hours of 2:30 a.m. and 5:00 a.m., was passed 6/20/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-085
By Goodman and Benson
Intro & 1st Reading: 6/6/03
Ref to: PS&RS
2nd Reading: 6/20/03

Amending Title 14, Chapter 368 of the Minneapolis Code of Ordinances relating to Liquor and Beer: Beer Regulations.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That, effective July 1, 2003, Section 368.60 of the above-entitled ordinance be amended to read as follows:

368.60. Hours generally. No "on sale" beer, or "off-sale" beer licensee shall sell or serve, or permit to be served, sold or consumed on the premises named in the license any beer on any Sunday between the hours of 4:2:00 a.m. and 12:00 noon; nor on any other day between the hours of 4:2:00 a.m. and 8:00 a.m.

Section 2. That, effective July 1, 2003, Section 368.70 of the above-entitled ordinance be amended to read as follows:

368.70. Premises without special license to close certain hours. (a) Except as provided in subsection (b), ~~e~~Every room, place or premises wherein beer is permitted to be or is sold, including the cafe, restaurant or dining room operated in connection therewith or as a part thereof, and in which such beer is sold or served by the licensee thereof pursuant to an "on sale" or "off sale" license, shall be closed and kept closed to the public between the hours of 4:15 2:30 a.m. and 5:00 a.m. unless the licensee is the ~~owner~~ and holder of a special late hours license provided for in sections 360.70, 360.75, and 360.80. During said hours, if the licensee is not the ~~owner~~ or holder of a special late hours license, no person or persons shall be allowed to be or remain upon or within such room, place or premises for any purpose whatever, except that the owner or licensee, his or her agents, servants or employees may remain therein for the purpose only of cleaning, preparation of meals, necessary repairs or other work therein and in connection therewith, or as guards.

(b) ~~In the Central Commercial District, as defined in 360.10, all of the provisions of subsection (a) shall remain in effect except, until October 15, 2000, that persons not exempt by that subsection may remain on the licensed premises until 1:30 a.m. No alcoholic beverages may be consumed on such premises after 1:15 a.m.~~

Adopted. Yeas, 11; Nays, 2 as follows:

Yeas - Johnson, Colvin Roy, Zimmermann, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Lane, Samuels, Ostrow.

Nays - Zerby, Schiff.

Approved by Acting Mayor Ostrow 6/23/03.

PS&RS - Your Committee, having under consideration the application of Huynh Truong Le, dba Jasmine Deli, 2532 Nicollet Av, for a Sidewalk Cafe License (new business) to expire April 1, 2004, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 6/20/03.

Declining to Vote - Benson.

PS&RS - Your Committee, having under consideration the application of Heather Burgess, dba Magpie Coffee, 4159 Cedar Av S, for a Sidewalk Cafe License (new business) to expire April 1, 2004, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 6/20/03.

Declining to Vote - Benson.

PS&RS - Your Committee, having under consideration the application of Ariza Enterprises LLC, dba Salsa A La Salsa Mexican Grill, 1420 Nicollet Av, for an On-Sale Liquor Class E with Sunday Sales License (new business) to expire January 1, 2004, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 6/20/03.

Declining to Vote - Benson.

Approved by Mayor Rybak 6/20/03.

(Published 6/24/03)

PS&RS - Your Committee recommends passage of the accompanying Resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted 6/20/03.

Declining to Vote - Benson.

Resolution 2003R-280, granting applications for Liquor, Wine and Beer Licenses, was passed 6/20/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-280

By Niziolek

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted:

Off-Sale Liquor, to expire July 1, 2004

KJM Enterprises Inc, dba Lowry Hill Liquors, 1922 Hennepin Av, 1st floor;

E & M Franklin Nicollet, dba Franklin Nicollet Liquor Store, 2012 Nicollet Av, 1st floor;

Jose & Luke Inc, dba Hi-Lake Liquors, 2218 E Lake St #B;

On-Sale Liquor Class A with Sunday Sales, to expire January 1, 2004

South Beach LLC, dba South Beach, 323 1st Av N (new shareholder/partner);

Degrees of Entertainment Inc, dba Fahrenheit Nightclub, 322 1st Av N;

T H S Hotel Operations Inc, dba Crown Plaza Northstar Hotel, 618 2nd Av S;

On-Sale Liquor Class A with Sunday Sales, to expire April 1, 2004

Yendor Corp, dba Augies, 424 Hennepin Av (new shareholder/partner);

80 S 8th St Hotel Operations Inc, dba Vista Marquette Hotel, 701 Nicollet Mall, 3rd floor;

On-Sale Liquor Class A with Sunday Sales, to expire July 1, 2004

Guthrie Theater Foundation, dba Guthrie Theater Foundation, 725 Vineland Pl;

Metropolitan Sports Facilities Commission, dba H H H Metrodome, 900 S 5th St;

Minneapolis Branch of American Association of University Women, dba Minneapolis Branch of American Association of University Women, 2115 Stevens Av;

On-Sale Liquor Class B with Sunday Sales, to expire April 1, 2004

Stardust Lanes Inc, dba Stardust Lanes, 2520 26th Av S;

On-Sale Liquor Class B with Sunday Sales, to expire July 1, 2004

Minneapolis Cafe LLC, dba Minneapolis Cafe, 1110 Hennepin Av;

On-Sale Liquor Class C-1 with Sunday Sales, to expire January 1, 2004

8th Street Garage Inc, dba 8th Street Grill & Tavern, 800 Marquette Av;

On-Sale Liquor Class D with Sunday Sales, to expire July 1, 2004

Nora's Calhoun Inc, dba Nora's, 3118 W Lake St;

La Toscana LLC, dba La Toscana Ristorante, 3220 W Lake St;

On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2004

Cuzzy's Inc, dba Cuzzy's Grill & Bar, 507 Washington Av N;
Campiello Inc, dba Campiello, 1320 W Lake St;

On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2003

TMMS Inc, dba CC Club, 2600 Lyndale Av S;

Temporary On-Sale Liquor

St. Paul Jaycees, dba St. Paul Jaycees, 401 Robert St Suite 150 (May 30, 2003, 5:30 p.m. to 9:30 p.m. at 3001 Hennepin Av, behind Calhoun Square on Girard Av S; Licensed Facilitator: Famous Daves BBQ);

Minnesota Medical Foundation, dba Minnesota Medical Foundation, 200 Oak St (Fundraiser May 30 & 31, 2003, 6:30 p.m. to 9:30 p.m. at Minneapolis Convention Center);

Chrysalis, dba Chrysalis, 4432 Chicago Av (June 14, 2003, 7:00 p.m. to Midnight at Minnesota Opera Center; Licensed Facilitator: NE Thyme Catering);

On-Sale Wine Class A with Strong Beer, to expire April 1, 2004

B L B Inc, dba Bryant Lake Bowl, 810 W Lake St;

On-Sale Wine Class C-2 with Strong Beer, to expire April 1, 2004

Cafe Wyrd Inc, dba Cafe Barbette, 1600 W Lake St;

On-Sale Wine Class D with Strong Beer, to expire April 1, 2004

Maries Cafe Inc, dba Marias Cafe, 1113 E Franklin Av (regular expansion of premises);
Los Mestizos Inc, dba El Meson, 3450 Lyndale Av S (change in ownership from Alavena Group Inc);
Alavena Group Inc, dba El Meson, 3450 Lyndale Av S;

On-Sale Wine Class E with Strong Beer, to expire June 6, 2003

Sapor Inc, dba Sapor, 428 Washington Av N (temporary entertainment, June 6, 2003, 7:00 p.m. to 1:00 a.m.);

On-Sale Wine Class E with Strong Beer, to expire April 1, 2004

ALLM Restaurant Inc, dba The Art Institutes International Minnesota, 15 S 9th St;

Modern Cafe Inc, dba Modern Cafe, 337 13th Av NE;

Vescio's Inc, dba Vescio's Italian Cafe, 406 14th Av SE;

Pane Vino Dolce Inc, dba Pane Vino Dolce, 819 W 50th St;

Espresso Monkeys Inc, dba Acadia Cafe, 1931 Nicollet Av;

Marimar Inc, dba Cafe Marimar, 5001 34th Av S;

Temporary On-Sale Wine

Minneapolis Downtown Council, dba Tunes at Noon/Alive After 5, 81 S 9th St #260 (with entertainment, June 2, 3, 4 & 5, 2003, 11:00 a.m. to 2:00 p.m. and 5:00 p.m. to 9:00 p.m. at Peavey Plaza);

Minneapolis Downtown Council, dba Tunes at Noon/Alive After 5, 81 S 9th St #260 (with entertainment, June 6, 2003, 11:00 a.m. to 2:00 p.m. and 5:00 p.m. to 9:00 p.m. at Peavey Plaza);

Minneapolis Downtown Council, dba Tunes at Noon/Alive After 5, 81 S 9th St #260 (with entertainment, June 9, 10, 11 & 12, 2003, 11:00 a.m. to 2:00 p.m. and 5:00 p.m. to 9:00 p.m. at Peavey Plaza);

Minneapolis Downtown Council, dba Tunes at Noon/Alive After 5, 81 S 9th St #260 (with entertainment, June 13, 2003, 11:00 a.m. to 2:00 p.m. and 5:00 p.m. to 9:00 p.m. at Peavey Plaza);

Minneapolis Downtown Council, dba Tunes at Noon/Alive After 5, 81 S 9th St #260 (with entertainment, June 16, 17, 18 & 19, 2003, 11:00 a.m. to 2:00 p.m. and 5:00 p.m. to 9:00 p.m. at Peavey Plaza);

Minneapolis Downtown Council, dba Tunes at Noon/Alive After 5, 81 S 9th St #260 (with entertainment, June 20, 2003, 11:00 a.m. to 2:00 p.m. and 5:00 p.m. to 9:00 p.m. at Peavey Plaza);

Temporary On-Sale Beer

East Side Neighborhood Services, dba East Side Neighborhood Services, 1700 2nd St NE (June 7, 2003, Noon to 9:00 p.m.);

Minnesota Fringe Festival, dba Minnesota Fringe Festival, 1614 Harmon Pl #301 (July 13, 2003, 2:00 p.m. to 10:00 p.m., Bastille Days Block Party, parking lot behind Cafe Barbette, 1600 W Lake St).

Adopted 6/20/03.

Declining to Vote - Benson.

PS&RS - Your Committee recommends passage of the accompanying Resolution granting applications for Business Licenses.
Adopted 6/20/03.

Resolution 2003R-281, granting applications for Business Licenses, was passed 6/20/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-281
By Niziolek

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of June 20, 2003 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petr No 268854):

Bowling Alley; Bowling, Pool & Billiard All Night Special; Christmas Tree; Dancing School; Dry Cleaner - Nonflammable; Place of Entertainment; Flower Cart Vender; All Night Special Food; Caterers; Confectionery; Food Distributor; Farm - Produce Permits; Farm Produce Permit Nonprofit; Grocery; Indoor Food Cart; Food Manufacturer; Meat Market; Restaurant; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Vending Machine; Heating, Air Conditioning & Ventilating Class B; Horse and Carriage; Lodging House; Motor Vehicle Dealer Wholesaler; Peddler - Special Religious; Pet Shop; Residential Specialty Contractor; Sign Hanger; Solicitor - Individual; Tattooist/Body Piercer; Taxicab Vehicle; Tobacco Dealer; Combined Trades; Tree Servicing; Valet Parking; and Wrecker of Buildings Class B.

Adopted 6/20/03.

PS&RS - Your Committee recommends passage of the accompanying Resolution granting applications for Gambling Licenses.
Adopted 6/20/03.

Resolution 2003R-282, granting applications for Gambling Licenses, was passed 6/20/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-282
By Niziolek

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances:

Gambling Class B

Baseline, dba Baseline, 25 University Av SE (Site: Sunny's Bar, 2940 Chicago Av);

Gambling Lawful Exempt

Outward Spiral Theatre Company, dba Outward Spiral Theatre Company, PO Box 2049 (Raffle September 14, 2003 at Loring Playhouse, 1633 Hennepin Av);

Brain Injury Association of Minnesota, dba Brain Injury Association of Minnesota, 43 Main St SE #135 (Raffle August 1, 2003).
Adopted 6/20/03.

PS&RS - Your Committee recommends passage of the accompanying Resolution granting the application of JK Halal Meat, 1844 Central Av NE, for Provisional Meat Market and Tobacco Licenses, subject to conditions.
Adopted 6/20/03.

Resolution 2003R-283, granting the application of JK Halal Meat, 1844 Central Av NE, for Provisional Meat Market and Tobacco Licenses, subject to conditions, was passed 6/20/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-283
By Niziolek

Granting the application of JK Halal Meat, 1844 Central Av NE, for Provisional Meat Market and Tobacco Licenses, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by JK Halal Market Inc, dba JK Halal Meat, 1844 Central Av NE, for Provisional Meat Market and Tobacco Licenses (new business) to expire April 1, 2004, subject to the following conditions:

- a. the licensee agrees to comply with all Environmental Health orders.
 - b. there must be no repackaging of any food items, and the licensee may not sell grocery items.
 - c. the business is not to exceed more than six critical Health Code violations within 12 months of the license being granted.
 - d. no food is allowed from unapproved sources (i.e. no home prepared foods, and all food must be properly labeled).
 - e. sweets shall be available only upon approval of flooring and conditions by Health.
 - f. the licensee shall comply with all Fire Department requirements and orders.
 - g. the licensee shall comply with all Zoning Site Plan requirements and will meet all deadlines established by Zoning.
 - h. normal business hours shall not exceed 6:00 a.m. to 11:00 p.m.
 - i. noise from the business and vehicles or stereos will be kept to a minimum.
 - j. the licensee shall clean the property of litter and trash daily including the area within 100 feet of the property lines.
 - k. all windows will be kept free of signs and other items that block the view in and out.
 - l. no parking is allowed in other businesses' private parking lot without a signed lease agreement.
 - m. the licensee agrees to remove all old or faded signs from the exterior and to keep signs and banners hung straight with all corners fastened according to Crime Prevention Through Environmental Design (CPTED) standards.
 - n. the licensee will provide an adequate dumpster with a closeable lid and empty it weekly.
 - o. the licensee will pay all fees and fines by their due dates.
- Adopted 6/20/03.

PS&RS - Your Committee recommends that the proper City Officers be authorized to execute an amendment to Grant Agreement #018261 with the Minnesota Department of Public Safety to extend the grant period to October 2003 to support the installation of video cameras in squad vehicles for video recording of police vehicle stops.
Adopted 6/20/03.

The **PUBLIC SAFETY & REGULATORY SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

PS&RS & W&M/Budget - Your Committee recommends passage of the accompanying Resolution amending Resolution 2003R-021 entitled "amending The 2003 General Appropriation Resolution", passed January 31, 2003 to reflect changes in the Federal and State Domestic Preparedness Grant Allotment.

Adopted 6/20/03.

Approved by Acting Mayor Ostrow 6/23/03.

(Published 6/25/03)

Resolution 2003R-284, amending Resolution 2003R-021 passed January 31, 2003 to make changes in the Federal and State Domestic Preparedness Grant Allotment, was passed 6/20/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-284
By Niziolek and Johnson

Amending Resolution 2003R-021 entitled "amending The 2003 General Appropriation Resolution", passed January 31, 2003.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by adjusting the following appropriations and decreasing the revenue budget to reflect the overall reductions in the Federal and State Domestic Preparedness Grant Allotments:

Department of Justice Grant:

- a. increasing the appropriation for the Fire Department Agency in the Grants - Federal Fund (030-280-2800) by \$29,189;
- b. reducing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-DT09) by \$29,200;
- c. increasing the Revenue Source (030-280-2800 - Source 3210) by \$29,189;
- d. reducing the Revenue Source (030-400-DT09 - Source 3210) by \$29,200.

Minnesota Equipment and Training Grant:

- e. reducing the appropriation for the Fire Department Agency in the Grants - Other Fund (060-280-2800) by \$200,931;
- f. reducing the appropriation for the Police Department Agency in the Grants - Other Fund (060-400-DT09) by \$78,151;
- g. reducing the appropriation for the PW - Water Agency in the Grants - Other Fund (060-690-6930) by \$31,550;
- h. reducing the Revenue Source (060-280-2800 - Source 3215) by \$200,931;
- i. reducing the Revenue Source (060-400-DT09 - Source 3215) by \$78,151;
- j. reducing the Revenue Source (060-690-6930 - Source 3215) by \$31,550.

Adopted 6/20/03.

Approved by Acting Mayor Ostrow 6/23/03.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept a donation of \$3,500 from the Minneapolis Auxiliary 34 FOE Fraternal Order of Eagles for the Fire Department to purchase a thermal imaging camera. Further, passage of the accompanying Resolution approving the appropriation to the Fire Department.

Adopted 6/20/03.

Resolution 2003R-285, appropriating \$3,500 to the Fire Department to purchase a thermal imaging camera, was passed 6/20/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-285
By Niziolek and Johnson

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Fire Department Agency in the Grants - Other Fund (060-280-2820) by \$3,500 and increasing the Revenue Source (060-280-2820 - Source 3720) by \$3,500.

Adopted 6/20/03.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to limit the release of a Request for Proposal to a sole contractor, Citygate Associates LLC Fire & Emergency Services, pending approval of the Permanent Review Committee, to provide an outside analysis of the City's risk and deployment strategy that will give valuable strategic planning information for the Fire Department to meet the emergency preparedness and homeland security challenges that are facing the City.

Adopted 6/20/03.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept a donation of \$10,000 from the General Mills Foundation to provide funds to the Police Department for school liaison overtime expenses. Further, passage of the accompanying Resolution approving the appropriation to the Police Department.

Adopted 6/20/03.

Resolution 2003R-286, appropriating \$10,000 to the Police Department for school liaison overtime expenses, was passed 6/20/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-286
By Niziolek and Johnson

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Other Fund (060-400-4000) by \$10,000 and increasing the Revenue Source (060-400-4000 - Source 3720) by \$10,000.

Adopted 6/20/03.

PS&RS & W&M/Budget - Your Committee recommends passage of the accompanying Resolution transferring \$29,000 in grant funds received from the United States Department of Justice - Office of Justice Programs, Fiscal Year 2001 Local Law Enforcement Block Grant Program from the Police Department to the Minneapolis Employment and Training Program (METP) to support the STEP UP Program as part of the community crime prevention initiatives.

Adopted 6/20/03.

Resolution 2003R-287, transferring \$29,000 from the Police Department to the Employment and Training Program to support the STEP UP Program under the 2001 Local Law Enforcement Block Grant Program, was passed 6/20/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-287
By Niziolek and Johnson

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended as follows:

- a. decreasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-P608) by \$29,000; and
- b. increasing the application for the Health & Family Support Agency in the Grants - Federal Fund (030-860-8600) by \$29,000.

Adopted 6/20/03.

PS&RS & W&M/Budget - Your Committee recommends approval of the Fire Department's Five Year Business Plan, as set forth in Petn No 268858 on file in the Office of the City Clerk.

Adopted 6/20/03.

The **TRANSPORTATION & PUBLIC WORKS** Committee submitted the following reports:

T&PW - Your Committee, having under consideration the facility addition and improvements to the Minneapolis Fire Department Station No. 6, now recommends that the proper City officers be authorized to execute Change Order No. 3 with Lund Martin Construction, Inc. increasing Contract No. 018678 in the amount of \$52,081 for a new total of \$2,772,309 with no additional appropriation required.

Adopted 6/20/03.

T&PW - Your Committee, having under consideration finalizing the Minneapolis Police Department, 1st Precinct project, now recommends that the proper City officers be authorized to execute the following for the project close out:

- a) Amendment No. 2 with Hammel, Green, Abrahamson, Inc. (HGA) increasing Contract No. 016912 in the amount of \$35,430 for a final contract amount of \$285,430 for architectural/engineering services; and
- b) Change Order No. 6 with Diversified Contracting Specialists Inc. (Gen^Con) increasing Contract No. 17764 in the amount of \$23,000 for a final contract amount of \$2,054,765.23 for the construction of the project, no additional appropriation required.

Adopted 6/20/03.

T&PW - Your Committee recommends passage of the accompanying Resolution approving Hennepin County Transportation Department's Layout No. 1B for County Project No. 9321-9772, CSAH 23 from 1st Avenue NE to 3rd Avenue NE, dated 5/2/03. The project includes the building of a new CSAH 23 (Main Street NE) bridge over the Burlington Northern Railroad and reconstruction of the CSAH 23 from 1st Avenue NE to 3rd Avenue NE.

Adopted 6/20/03.

Resolution 2003R-288, approving the Hennepin County Department of Transportation's Layout "1.B", dated 5/2/03, for County State Aid Highway (CSAH) 23 (Main Street NE) from 1st Avenue NE to 3rd Avenue NE, was passed 6/20/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-288

By Colvin Roy

Approving the Hennepin County Department of Transportation's Layout "1.B", dated May 02, 2003, for County State Aid Highway (CSAH) 23 (Main Street NE) from 1st Avenue NE to 3rd Avenue NE.

Whereas the Hennepin County Department of Transportation (County) has proposed reconstruction of the bridge over the BNRR right-of-way located immediately north of 1st Avenue NE; and

Whereas the County has proposed the reconstruction of CSAH 23 roadway from 1st Avenue NE to 3rd Avenue NE in Minneapolis; and

Whereas the County has prepared a layout describing the proposed improvements, said layout on file with the City Engineer identified as Layout "1.B" and dated May 02, 2003, and has submitted said layout to the City of Minneapolis requesting approval; and

Whereas, City and County staff have held meetings with the affected communities and stakeholders in the development of the layout; and

Whereas, City and County staff concurred that Layout "1.B" will meet the existing and future transportation needs as well as state standards;

Now, Therefore, Be it resolved by The City Council of The City of Minneapolis:

That the City approves the County's Layout "1.B" for CSAH 23 (Main Street NE) from 1st Avenue NE to 3rd Avenue NE.

Adopted 6/20/03.

T&PW - Your Committee, having under consideration the 2003 Minneapolis Aquatennial festival to be held 7/18 through 7/27/03, now recommends approval of the Aquatennial festival activities, special events, program components and permit request as contained in Petn No. 268860 on file in the office of the City Clerk.

Zimmermann moved that the petition referred to in the report be amended by deleting the second paragraph on page 1 of attachment #1 and inserting the following language,

"The Minneapolis City Council may decline license requests to any peddlers, show or carnival individuals, except for those peddlers, show and carnival individuals associated or affiliated with a convention or community event with an expected attendance in excess of 25,000 people, during the week of the Aquatennial event, without notification and opportunity for comments and approval from the Aquatennial which comments shall not be binding on the City Council." Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted. 6/20/03.

T&PW - Your Committee recommends passage of the accompanying Resolution adopting private street name "Sumner Court" in the Heritage Park Housing Development Project.

Adopted 6/20/03.

Resolution 2003R-289, naming a private street within the City of Minneapolis as Sumner Court and directing that all dwelling located on said private street be assigned numerical street addresses, was passed 6/20/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-289

By Colvin Roy

Naming a private street within the City of Minneapolis as Sumner Court and directing that all dwelling located on said private street be assigned numerical street addresses.

Whereas, the City wishes to manage a safe and logical street name system for both public and private streets within the City, and;

Whereas, McCormack Baron & Associates desire to build and locate dwelling units on private street within their housing project, and;

Whereas, the City finds that such requests are in conformance with City policy and do not duplicate or conflict with existing street names;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That in the determination and judgment of the City Council, the following private street names are hereby approved by the City Council.

Be it Further Resolved, that the Public Works Department is directed to inform all agencies whether public or private on the naming of said private streets:

Private Street Description

Sumner Court, located in Lot 1, Block 3, Near Northside Rental Addition and Lot 1, Block 1, Near Northside Rental 2nd Addition. Lying South of 9th Avenue North, East and North of Aldrich Ave N and West of Lyndale Place.

Adopted 6/20/03.

T&PW - Your Committee, having under consideration the accompanying Resolution approving the private street names "River Pointe Circle" and "River Pointe Lane" in the JADT Townhome Development Project, now recommends that said Resolution be sent forward without recommendation.

Johnson moved to amend the report by deleting the language, "sent forward without recommendation" and inserting in lieu thereof, "approved." Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 6/20/03. Yeas, 10; Nays, 3 as follows;

Yeas - Johnson, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Lane, Samuels, Ostrow.

Nays - Colvin Roy, Zimmermann, Schiff.

Resolution 2003R-290, naming two private streets within the City of Minneapolis as River Pointe Circle and River Pointe Lane and directing that all dwelling located on said private streets be assigned numerical street addresses, was passed 6/20/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-290

By Colvin Roy

Naming two private streets within the City of Minneapolis as River Pointe Circle and River Pointe Lane and directing that all dwelling located on said private streets be assigned numerical street addresses.

Whereas, the City wishes to manage a safe and logical street name system for both public and private streets within the City, and;

Whereas, JADT Development desire to build and locate dwelling units on private streets within their housing project, and;

Whereas, the City finds that such requests are in conformance with City policy and do not duplicate or conflict with existing street names;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That in the determination and judgment of the City Council, the following private street names are hereby approved by the City Council.

Be it Further Resolved, that the Public Works Department is directed to inform all agencies whether public or private on the naming of said private streets:

Private Street Descriptions

River Pointe Circle located in Outlot A and Lot 2, Block 1, JADT Addition. Lying North of West River Road, South of and parallel with the Burlington Northern Railroad right of Way and easterly of and parallel with the West line of Lot 2.

River Pointe Lane located in Lot 2, Block 1, JADT Addition. Lying South of the afore mentioned River Pointe Circle and North of West River Road, said street parallel to and West of the easterly line of Lot 2.

Adopted 6/20/03. Yeas, 10; Nays, 3 as follows:

Yeas - Johnson, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Lane, Samuels, Ostrow.

Nays - Colvin Roy, Zimmermann, Schiff.

T&PW - Your Committee recommends passage of the accompanying Resolution designating the improvement of the alleys in the 2003 Alley Resurfacing Program.

Adopted 6/20/03.

Resolution 2003R-291, designating the improvement of the 2003 Alley Resurfacing Program (14 alleys located throughout the City of Minneapolis), was passed 6/20/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-291

By Colvin Roy

2003 Alley Resurfacing Program

Special Improvement of Existing Alleys No. FS03#1

Designating the improvement of the 2003 Alley Resurfacing Program (14 alleys located throughout the City of Minneapolis).

Resolved by The City Council of The City of Minneapolis:

That the following existing alleys within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 6 of the Minneapolis City Charter, by overlaying with bituminous material and including other related improvements and work as needed:

1. N - S alley between Abbott Ave. So. And Beard Ave. So. From West 54th St. to West 53rd St.
2. N - S alley between Beard Ave. So. And Chowen Ave. Sol from West 51st St. to West 50th St.
3. N - S alley between Ewing Ave. So. And France Ave So. From West 46th St. to West 45th ST.
4. N -S alley between Abbott Ave. So. And Beard Ave. So. From West 40th St. to West 39th St.
5. " L" shaped Alley lying with in the block bounded by West 24th St., West Lake of the Isles Park Way, and Russell Ave. So.
6. N - S alley between Xerxes Ave. So and Dean Parkway from West 29th St. to West 28th St.
7. The alley lying with in the block bounded by Thomas Ave. So., Cedar Lake Rd. So., Russell Ave. So., And Mount View Ave.

8. The alley lying in the block bounded by Washington Ave. N., 21st Ave. N, 2nd St. N., and west Broadway.
 9. N - S alley between Washington Ave. N. and 2nd St. N from 21st Ave. N. to 22nd Ave. N
 10. N - S alley between Lyndale Ave. N. and 6th St. N. from 40th Ave. N. to 41st Ave. N.
 11. "T" shape alley lying within the block bounded by 35th Ave N.E., Madison Pl., 36th Ave. N.E. and Valley St.
 12. N - S alley between Arthur St. N.E. and Cleveland St. N.E. from 29th Ave. N.E. to 30th Ave. N.E.
 13. The alley lying with in the block bounded by Washington St. N.E., Broadway St. N.E., 6th St. N.E., and 13th Ave. N.E.
 14. The alley lying with in the block bounded by Como Ave. S.E., 12th Ave. S.E., Talmage Ave., and 11th Ave. S.E.
- Adopted 6/20/03.

T&PW - Your Committee, having received a cost estimate of \$240,000 for alley resurfacing improvements and a list of benefited properties for the 2003 Alley Resurfacing Program, Special Improvement of Existing Alleys No FS03#1, as designated by Resolution 2003R-291 passed 6/20/03, now recommends that the City Clerk be directed to give notice of a public hearing to be held by the Transportation and Public Works Committee on 7/15/03, in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the construction of the above designated alley resurfacing project.

Adopted 6/20/03.

T&PW – Your Committee, having under consideration the assessment for areaway abandonment and removal for the property at 1519 Franklin Av E in conjunction with the Franklin Av E Street Construction Project, now recommends passage of the accompanying Resolution.

Adopted 6/20/03.

Resolution 2003R-292, adopting cost estimate of \$10,660.50 for the areaway abandonment and removal at 1519 Franklin Av E, was passed 6/20/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-292
By Colvin Roy

Adopting cost estimate of \$10,660.50 for the Areaway Abandonment and Removal at 1519 Franklin Av E, Property Identification No 35-029-24-12-0001.

Resolved by The City Council of The City of Minneapolis:

That the City Engineer be directed to prepare a proposed Areaway Abandonment and Removal Assessment against the following benefited property legally described as:

Part of Lot 1, Block 1, Eliot's Addition to Minneapolis described as commencing at the intersection of the S line of Franklin Ave with the W line of Bloomington Ave, thence S along Bloomington Ave 71.6 feet, thence W parallel with Franklin Ave 22.6 feet, thence N 71.6 feet to a point in the S line of Franklin Ave distant 22.5 feet W from the beginning, thence E to the beginning;
in accordance with the Franklin Av E Street Construction Project, Special Improvement of Existing Street No 2202, as ordered by Resolution 2000R-070.

That the City receive the Areaway Abandonment Permit from the taxpayer of the benefited property.

That the City Clerk be directed to give notice of a public hearing to be held by the Transportation and Public Works Committee on 7/29/03 in accordance with Chapter 8, Sections 12 and 13, of the Minneapolis City Charter, to consider the amount proposed to be assessed to the benefited property.

Adopted 6/20/03.

VETOED BY MAYOR

T&PW - Your Committee, to whom was referred back on 6/6/03 ordinances amending the Minneapolis Code of Ordinances to will allow the Public Works Department to utilize the Administrative Enforcement and hearing process in regulating and controlling activities within the public rights of way of the City, now recommends that the following ordinances be given their second reading for amendment and passage.

Title 1, Chapter 2, relating to: *General Provisions: Administrative Enforcement and Hearing Process*;

Title 5, Chapter 95 relating to *Building Code: Projections and Encroachments*;

Title 17 Chapter 429 relating to *Streets and Sidewalks: Right-of-Way Administration*; and

Title 17 Chapter 430 relating to *Streets and Sidewalks: Right-of-Way Permits*.

Adopted 6/20/03.

Vetoed 6/26/03. R.T. Rybak, Mayor.

(See Unfinished Business next meeting.)

The **TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute State Contract #84365 from 1/1/00 to 6/30/04 to receive \$620,000 in federal funds for the 4th Street reverse flow bus lane project pending City Attorney approval.

Adopted 6/20/03.

T&PW & W&M/Budget - Your Committee, having under consideration the areaway abandonment at 705 Hennepin Av (in accordance with the Hennepin Av Theater District Streetscape Project, Special Improvement of Existing Street No. 2221), Property Identification No. 22-029-24-43-0084 and legally described as Lot 6, Block 223, Hoag and Bells Addition to Minneapolis, recommends passage of the accompanying Resolutions:

- a. Receiving the cost estimate not to exceed \$110,000.
- b. Receiving the petition from the owner of the benefited property.
- c. Ordering the City Engineer to proceed and do the work and adopting the special assessments in the total amount of \$110,000.
- d. Increasing the appropriation in the Public Works Fund 4100-937-9372-8015 by \$110,000.
- e. Requesting the board of Estimate and Taxation to issue and sell bonds in the amount of \$110,000 for certain purposes other than the purchase of public utilities.

Colvin Roy moved to substitute the following report for the above report. Seconded.

Adopted by unanimous consent.

T&PW & W&M/Budget - Your Committee, having under consideration the areaway abandonment at 705 Hennepin Av, (in accordance with the Hennepin Av Theater District Streetscape Project, Special Improvement of Existing Street No. 2221), Property Identification No. 22-029-24-43-0084 and legally described as Lot 6, Block 223, Hoag and Bells Addition to Minneapolis, now recommends passage of the accompanying Resolutions:

- a) Designating the locations and improvements and ordering the work to proceed for the areaway abandonment and removal as contained in a petition from Witt Mitchell LLC, dated 5/8/03;
- b) Increasing the appropriation in the Public Works Fund by \$110,000; and
- c) Requesting the board of Estimate and Taxation to issue and sell bonds in the amount of \$110,000 for certain purposes other than the purchase of public utilities.

Adopted 6/20/03.

Resolution 2003R-293, designating the locations and improvements and ordering the work to proceed for the areaway abandonment and removal at 705 Hennepin Av in the Hennepin Av Theater District Streetscape Project as contained in a petition from Witt Mitchell LLC, dated 5/8/03, was passed 6/20/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2003R-293
By Colvin Roy and Johnson**

**Areaway Abandonment at 705 Hennepin Av in the Hennepin Av Theater District
Streetscape Project,
Special Improvement of Existing Street No. 2221**

Designating the locations and improvements and ordering the work to proceed for the areaway abandonment and removal as contained in a petition from Witt Mitchell LLC, dated May 8, 2003.

Whereas, the City of Minneapolis has scheduled the streetscape and street lighting improvements during 2002-2003 in the Hennepin Av Theater District (5th St to 10th St) area of Minneapolis; and

Whereas, there are areaways located in the public street r/w that are in conflict with said streetscape and street lighting installation; and

Whereas, a public hearing was held on May 9, 2002, in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Sections 24.180 and 95.90 of the Minneapolis Code of Ordinances to consider the proposed abandonment and removal of above mentioned areaways; and

Whereas, it is proposed to abandon and remove the areaway that encroaches into the Hennepin Av right-of-way adjoining said property as petitioned by Witt Mitchell LLC;

Now, Therefore, Be It Resolved by the City Council of the City of Minneapolis:

That the City Engineer is hereby ordered and directed to abandon and remove the conflicting areaways as located in the public street r/w adjoining the property along 705 Hennepin Av (Property ID No 22-029-24-43-0084).

Be It Further Resolved that the cost estimate of \$110,000 for the abandonment and removal be received.

Be It Further Resolved that the petition submitted by the owner of the benefited property (Witt Mitchell LLC) be received.

Be It Further Resolved that the proposed special assessments in the total amount not to exceed \$110,000 as on file in the Office of the City Clerk be and hereby are adopted and assessed against the benefited property.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments may be paid shall be fixed at twenty (20) and that interest be charged at the same rate as assessment bonds are sold for with collection of the special assessments to begin on the 2004 real estate tax statement.

Adopted 6/20/03.

**RESOLUTION 2003R-294
By Colvin Roy and Johnson**

Amending the 2003 Capital Improvement Appropriation Resolution

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the PW - Streets & Malls Capital Agency in the Permanent Improvement Projects Fund (4100-937-9372 Source - 8015) by \$110,000, for the cost of abandoning the areaway in the Hennepin Av Theater District Streetscape Project, Special Improvement of Existing Street No. 2221, which is to be reimbursed by special assessment Fund (4100-937-9372 Source - 3910) in the amount of \$110,000 and authorize and appropriate City Officials to expend funds for the implementation of this project.

Adopted 6/20/03.

Resolution 2003R-295, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$110,000 for certain purposes other than the purchase of public utilities, was passed 6/20/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-295
By Colvin Roy and Johnson

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$110,000 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of areaway abandonment and removal in the Hennepin Av Theater District Streetscape Project, Special Improvement of Existing Street No. 2221, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in twenty (20) successive annual installments, payable in the same manner as real estate taxes.

Adopted 6/20/03.

T&PW & W&M/Budget - Your Committee recommends passage of the accompanying Resolution which will authorize the proper City officers to execute a Minnesota Department of Natural Resources Flood Hazard Mitigation Grant Agreement which will provide \$250,000 in funding for the Logan Avenue North Stormwater Pond (Flood Area 37).

Adopted 6/20/03.

Resolution 2003R-296, approving the execution of Minnesota Department of Natural Resources Flood Damage Reduction Grant Assistance Program grant for the Logan Avenue North Stormwater Pond. (Flood Area 37), was passed 6/20/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-296
By Colvin Roy and Johnson

Approving the execution of Minnesota Department of Natural Resources Flood Damage Reduction Grant Assistance Program grant for the Logan Avenue North Stormwater Pond (Flood Area 37).

Resolved by The City Council of The City of Minneapolis:

That the City, hereinafter referred to as the "Applicant", act as legal sponsor for the project contained in the Flood Damage Reduction Grant Assistance Program Application submitted on August 1, 2001 and that the Director of Public Works is hereby authorized to apply for the Department of Natural Resources for funding of this project on behalf of the Applicant.

Be It Further Resolved:

a) The Applicant has the legal authority to apply for financial assistance, and the institutional, managerial and financial capability to ensure adequate acquisition, maintenance and protection of the proposed project;

b) The Applicant has not incurred any costs, and has not entered into any written agreements to purchase property proposed by this phase of the project;

c) The Applicant has not violated any Federal, State, or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice;

d) Upon approval of its application by the state, the Applicant may enter into an agreement with the State of Minnesota for the above-referenced project, and that the Applicant certifies that it will comply with all applicable laws and regulation as stated in the contract agreement;

e) The Director of Public Works is hereby authorized to execute such agreements as are necessary to implement the project on behalf of the applicant.

Adopted 6/20/03.

T&PW & W&M/Budget - Your Committee recommends passage of the accompanying Resolution approving bids submitted to Public Works Department all in accordance with City specifications.

Adopted 6/20/03.

Resolution 2003R-297 granting approval of the bids for projects and/or services for the City of Minneapolis, was passed 6/20/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-297
By Colvin Roy and Johnson

Granting approval of the bids for projects and/or services for the City of Minneapolis.

Resolved by The City Council of The City of Minneapolis:

That the following be accepted and that the proper City Officers be authorized to execute contracts for the projects and/or services, in accordance with City specifications. (Petn. No. 268863)

a) OP #6070, low bid by General Safety Equipment LLC in the amount of \$4,772,439 for fire trucks for Public Works Equipment Services Division, contingent on approval of the Civil Rights Department;

b) OP #6094, low bid by Global Specialty Contractors, Inc. in the amount of \$360,010.13 for Loring Greenway Site Improvements for Public Works Engineering, contingent on approval of the Civil Rights Department;

c) OP #6095, low bid by Veit & Company, Inc. for an estimated expenditure of \$1,081,370.20 for Heritage Park Phase 1 Group C Park and Landscape Improvements for Public Works, contingent on approval of the Civil Rights Department; and

d) OP #6099, low bid by Mountain Environmental, Inc. for an estimated annual expenditure of \$722,000 for hauling and disposal of lime waste for Public Works Water Department, contingent on approval of the Civil Rights Department.

Adopted 6/20/03.

T&PW & W&M/Budget - Your Committee recommends passage of the accompanying Resolution which will authorize the proper City officers to seek 100% funding of the Capital Improvement Program included in the Second Generation Plan of Bassett Creek Water Management Commission through an ad valorem tax levied by Hennepin County.

Adopted 6/20/03.

Resolution 2003R-298 approving the recommendation that Bassett Creek Water Management Commission fund 100% of the Capital Improvement Program included in their Second Generation Plan through an ad valorem tax levied by Hennepin County, was passed 6/20/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-298
By Colvin Roy and Johnson

Approving the recommendation that Bassett Creek Water Management Commission fund 100% of the Capital Improvement Program included in their Second Generation Plan through an ad valorem tax levied by Hennepin County.

Resolved by The City Council of The City of Minneapolis:

That the City recommends Bassett Creek Water Management Commission fund 100% of the Capital Improvement Program included in the Second Generation Plan through an ad valorem tax levied by Hennepin County.

Adopted 6/20/03.

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:

W&M/Budget - Your Committee recommends concurrence with the recommendation of the City Attorney authorizing settlement of the claim of MetLife Insurance Company regarding benefits paid to the Lanz family for injuries under the Minnesota No-Fault Act, by payment in the amount of \$10,000.

Adopted 6/20/03.

Absent - Zimmermann.

W&M/Budget - Your Committee recommends concurrence with the action of the Empowerment Zone (EZ) Executive Committee approving a grant of EZ funds in the amount of \$200,000 for the Step Up Program, to be used to expand summer youth employment jobs at Minneapolis community agencies, and authorizing execution of a contract with the Minneapolis Employment and Training Program to administer the funds.

Your Committee further recommends passage of the accompanying resolution transferring \$200,000 to METP for the program.

Adopted 6/20/03.

Absent - Zimmermann.

Resolution 2003R-299, appropriating \$200,000 in Empowerment Zone funds for summer youth employment, was passed 6/20/2003 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-299
By Johnson

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

a) By decreasing the appropriation for the City Coordinator Agency in the Federal Grants Fund (0300-840-8460) by \$200,000; and

b) By increasing the appropriation for the Health and Family Support Agency in the Federal Grants Fund (0300-860-8600) by \$200,000.

Adopted 6/20/03.

Absent - Zimmermann.

W&M/Budget - Your Committee recommends passage of the accompanying resolution awarding a bid to Sowles Company for crane and hoist rental for the New Central Library Project, and authorizing a change order to the contract for the services.

Adopted 6/20/03.

Absent - Zimmermann.

Approved by Mayor Rybak 6/20/03.

Resolution 2003R-300, accepting the bid of Sowles Company for crane and hoist rental for the New Central Library Project, was passed 6/20/2003 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-300
By Johnson

Accepting the bid of Sowles Company for crane and hoist rental for the New Central Library Project under OP #6112.

Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to accept the low bid of Sowles Co. (dba Northwest Tower Cranes) in the amount of \$777,850 for the rental, installation and removal of three (3) tower cranes and two (2) material hoists for the time indicated in the bid specifications and including furnishing and delivering all material, labor, equipment and incidentals necessary to accomplish the work of Contract No. 3, Tower Crane and Material Hoist Rental, all in accordance with the plans, specifications and addenda prepared by Mortenson/Thor and titled "Tower Crane and Material Hoist Rental" for a total contract price of \$777,850.

Be It Further Resolved that the proper City officers be authorized to execute a contract for said services and execute Change Order #03.001 to the contract that will reduce the number of months for Tower Crane No. 3 by 12 months and decrease the contract amount by \$84,000, for a new contract total of \$693,850.

Adopted 6/20/03.

Absent - Zimmermann.

Approved by Mayor Rybak 6/20/03.

W&M/Budget - Your Committee, having under consideration the Minnesota Citizens' Personal Protection Act of 2003 and having received and filed a report from the City Attorney outlining issues that the City faces as a result of the new law, now recommends that the City Attorney be authorized to intervene in any lawsuits challenging the validity of the Minnesota Citizens' Personal Protection Act of 2003 as he deems necessary and in the interest of the City.

Zerby moved to amend the report by adding the words "initiate or" before the word "intervene".
Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 6/20/03.

The **ZONING & PLANNING** Committee submitted the following reports:

Z&P - Your Committee recommends denying the appeal filed by David Harstad, for Mike and Myra Moore, from the decision of the Planning Commission granting the applications of Master Civil and Construction Engineering, Inc (BZZ-1138) for conditional use permit, site plan review, and setback variances for development of a 27-unit condominium building at 2000 Nicollet Ave S, and that the related findings prepared by the Planning Department be adopted.

Your Committee further recommends that the site plan review approval be subject to the requirement of additional variation in depth and color of the brick pattern design on the southerly facade of the brick wall, which shall be reviewed and approved by the Planning Department.

Adopted 6/20/03. Yeas, 12; Nays, 1 as follows:

Yeas - Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Johnson Lee, Niziolek, Benson, Goodman, Lane, Samuels, Ostrow.

Nays - Lilligren.

Z&P - Your Committee recommends granting the appeal of Chester Dabrowski (BZZ-1106) from the decision of the Board of Adjustment denying his application for variance to increase the maximum permitted floor area of an accessory structure from 676 square feet to 960 square feet to allow an existing garage structure to remain at 2511 University Ave NE, in accordance with the Findings of Fact prepared by the City Attorney's Office and on file in the office of the City Clerk and made a part of this report by reference.

Adopted 6/20/03. Yeas, 12; Nays, 1 as follows:

Yeas - Johnson, Colvin Roy, Zimmermann, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Lane, Samuels, Ostrow.

Nays - Schiff.

Z&P - Your Committee, having under consideration the appeal of Keith Koch (BZZ-1134) from the decision of the Board of Adjustment a) denying his application for variance to increase the maximum permitted floor area of an accessory structure from 1,000 square feet to 1,612 square feet to allow for construction of a detached garage at 926 - 13th Ave S; and b) appealing a condition of approval for height variance requiring that the exterior building materials of the garage match the existing exterior stucco materials of the house, now recommends granting the appeal relating to the variance for increase in maximum floor area by approving an increase to 1,352 square feet, as per applicant's compromise; and granting the appeal relating to the condition of approval for the height variance requiring matching stucco materials.

Adopted 6/20/03. Yeas, 12; Nays, 1 as follows:

Yeas - Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Lane, Samuels.

Nays - Ostrow.

Z&P - Your Committee recommends denying the appeal of Joni Babinski and Thomas Hanks from the decision of the Board of Adjustment approving the application of Keith Koch (BZZ-1134) for variance to increase the maximum permitted height of an accessory structure from 12' to 16'-6" to allow for construction of a detached garage at 926 - 13th Ave S, and that the related findings prepared by the Planning Department be adopted.

Adopted 6/20/03.

Z&P - Your Committee concurs in the recommendation of the Heritage Preservation Commission (HPC) denying the application of Olson + Company for a historic variance for rooftop signage that reads "Olson + Company" at 1625 Hennepin Ave, and to adopt the related findings prepared by HPC staff.

Adopted 6/20/03.

Z&P - Your Committee concurs in the recommendation of the Planning Commission denying the application of Minneapolis Public Schools (#1403) to vacate E 31st St between 19th and 21st Aves S to utilize the space for parking and reduce traffic hazards around South High School, and to adopt the related findings prepared by the Planning Department.

Adopted 6/20/03.

Z&P - Your Committee concurs in the recommendation of the Planning Commission denying the application of Michael Lawrence (BZZ-1143) to rezone property at 2500 Aldrich Ave S from R2B to the R5 District to legalize the existing nonconforming six-unit condominium building, and to adopt the related findings prepared by the Planning Department.

Your Committee further recommends that the proper City officers be authorized to refund the rezoning application fee to Michael Lawrence.

Adopted 6/20/03.

Z&P – Your Committee concurs in the recommendation of the Planning Commission granting the petition of Dean Carlson, dba Community Housing Resources (BZZ-1157), to rezone property at 4518 Dupont Ave N from R1A to the R2B District to permit construction of a foundation and to move a duplex to the lot, and to adopt the related findings prepared by the Planning Department.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 6/20/03.

Ordinance 2003-Or-090, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 4518 Dupont Ave N to the R2B District, was passed 6/20/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-090

By Schiff

1st & 2nd Readings: 6/20/03

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. That part of Block 003, Lot 19, also that part of Lots 15 through 18 including lying Northeasterly of Northeasterly right-of-way line of Shingle Creek Pkwy, James M Gillespies 3rd Addition to Minneapolis (4518 Dupont Ave N - Plate 2) to the R2B District.

Adopted 6/20/03.

Z&P – Your Committee concurs in the recommendation of the Planning Commission granting the petition of Lois Mueller, for Lindquist Apartments (BZZ-1116), to rezone property at 1927-35 W Broadway from C1 to the OR2 District to permit a four-story mixed-use building with approximately 15,000 square feet of office space and 26 units of supportive housing, and to adopt the related findings prepared by the Planning Department.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 6/20/03. Yeas, 10; Nays, 3 as follows:

Yeas - Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Lane, Samuels, Ostrow.

Nays - Johnson, Benson, Goodman.

Ordinance 2003-Or-091, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 1927-35 W Broadway to the OR2 District, was passed 6/20/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-091
By Schiff
1st & 2nd Readings: 6/20/03

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. That part of Lots 9, 10, 11 and 12, Block 23, Forest Heights, according to the plat thereof, Hennepin County, Minnesota, except street (1927-35 W Broadway - Plate 7) to the OR2 District.

Adopted 6/20/03. Yeas, 10; Nays, 3 as follows:

Yeas - Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Lane, Samuels, Ostrow.

Nays - Johnson, Benson, Goodman.

Z&P – Your Committee concurs in the recommendation of the Planning Commission denying the petition of Ginya Hughes (BZZ-1148) to rezone the property at 4029 Dupont Ave N from R2B to the R4 District to permit the conversion of a duplex to a triplex, and to adopt the related findings prepared by the Planning Department.

Adopted 6/20/03.

MOTIONS

Johnson, Chair of the Ways & Means/Budget Committee, moved that the regular payrolls for all City employees under City Council jurisdiction for the month of July, 2003, approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted 6/20/03.

Schiff introduced the subject matter of an Ordinance amending Title 20, Chapter 543 of the Minneapolis Code of Ordinances relating to *Zoning Code: On-Premise Signs*, which was given its first reading and referred to the Zoning & Planning Committee (Eliminating freestanding/ground signs for residential uses).

Goodman introduced the subject matter of an Ordinance amending Title 20, Chapter 543 of the Minneapolis Code of Ordinances relating to *Zoning Code: On-Premise Signs*, which was given its first reading and referred to the Zoning & Planning Committee (Providing special provisions for museums to allow flashing signs).

Goodman moved to waive the time of event (Weekdays-No earlier than 6:00 p.m.; Weekends-10:00 a.m.) as required by Chapter 455 of the Minneapolis Code of Ordinances for applicant Cindy Fitzpatrick for the Uptown Association for a business district block event to be held Friday, August 1 through Sunday, August 3, 2003, between the hours of 7:00 a.m. Friday to 10:00 p.m. on Sunday on Hennepin Avenue between 28th and 31st Streets West, subject to approval being granted by the Police Department to grant said waiver. Seconded.

Adopted 6/20/03.

Zimmermann moved to waive the 30-day filing time as required by Chapter 455 of the Minneapolis Code of Ordinances for applicant Gary MacKenzie for Whiskey Junction for a business district block event to be held Saturday, June 21, 2003, between the hours of 3:00 p.m. to 7:00 p.m. on Cedar Avenue South between 9th Street South and 917 Cedar Avenue, subject to approval being granted by the Police Department to grant said waiver. Seconded.

Adopted 6/20/03.

Lilligren moved to waive the 30-day filing time as required by Chapter 455 of the Minneapolis Code of Ordinances for applicant Abdul Mohamed for Sabri Properties for a business district block event to be held Saturday, June 28 through Sunday, June 29, 2003, between the hours of 10:00 a.m. Saturday to 10:00 p.m. on Sunday on Lake Street between 3rd and 5th Avenues South, subject to approval being granted by the Police Department to grant said waiver. Seconded.

Adopted 6/20/03.

Lane moved to waive the 14-day filing time and time of event (No earlier than 10:00 a.m.) as required by Chapter 455 of the Minneapolis Code of Ordinances for applicant Pat Treff for a residential block event held June 12, 2003, between the hours of 5:00 p.m. and 10:00 p.m. on Washburn Avenue South between 42nd and 43rd Avenues South. Seconded.

Adopted 6/20/03.

Schiff moved to waive the 14-day filing time as required by Chapter 455 of the Minneapolis Code of Ordinances for applicant Stephen Crawford for a residential block event held June 19, 2003, between the hours of 1:00 p.m. and 9:30 p.m. on 13th Avenue South between Lake Street East and 31st Street South. Seconded.

Adopted 6/20/03.

Johnson Lee moved to waive the 14-day filing time as required by Chapter 455 of the Minneapolis Code of Ordinances for applicant Pentecostal Assembly Church for a residential block event to be held June 21, 2003, between the hours of 10:00 a.m. and 7:00 p.m. on 2nd Avenue North between Morgan and Logan Avenues North. Seconded.

Adopted 6/20/03.

Niziolek moved to waive the 30-day filing time as required by Chapter 455 of the Minneapolis Code of Ordinances for applicant Rev. Lawrence E. Hubbard, for Incarnation - Sagrade Corazon de Jesus, for a business district block event to be held Saturday, June 28 through Sunday, June 29, 2003, between the hours of 11:30 a.m. Saturday to 8:00 p.m. Sunday on Pleasant Avenue South between 38th and 39th Street, subject to approval being granted by the Police Department to grant said waiver. Seconded.

Adopted 6/20/03.

Niziolek introduced the subject matter of an Ordinance amending Appendix J relating to *License Fee Schedule*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (Amending the 2003 inflationary increases for license fees).

Johnson introduced the subject matter of an Ordinance amending Title 20, Chapter 535 of the Minneapolis Code of Ordinances relating to *Zoning Code: Regulations of General Applicability*, which was given its first reading and referred to the Zoning & Planning Committee (Requiring walkway connecting the principal entrance and public right of way).

Johnson introduced the subject matter of an Ordinance amending the Minneapolis Code of Ordinances relating to building standards in impacted neighborhoods and creation of an impacted neighborhood overlay district, which was given its first reading and referred to Zoning & Planning Committee.

RESOLUTIONS

Zerby offered a Resolution declaring that the City of Minneapolis ban dangerous weapons from city owned buildings or any space leased or controlled by the City of Minneapolis which was referred to the Ways & Means/Budget Committee.

Benson offered a Resolution approving Laws of Minnesota 2003, Chapter 127, Article 12, Sections 31 through 33, relating to creation of a new Community Planning and Economic Development (CPED) department.

Adopted 6/20/03.

(Not published. See Resolution 2003R-301 on file in the office of the City Clerk.)

The following is the complete text of the unpublished resolution

RESOLUTION 2003R-301

By Benson

Approving Laws of Minnesota 2003, Chapter 127, Article 12, Sections 31 through 33.

Whereas, the Minnesota State Legislature has passed a law authorizing the City of Minneapolis to create a new department of community planning and economic development, combining the functions of the Minneapolis Community Development Agency, Planning Department, and other functions as determined by the City Council; and

Whereas said law, by its terms, requires an affirmative vote of a majority of the members of the of the City Council before it may become effective;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That said law be now approved and the City Clerk be directed to prepare and file with the Secretary of State the required certification of approval.

Adopted 6/20/03.

NEW BUSINESS

Benson introduced an Ordinance amending Title 2, Chapter 15 of the Minneapolis Code of Ordinances relating to *Administration: Ethics in Government*, which was given its first reading and referred to the Ways & Means/Budget Committee (Re use of city facilities or equipment by police employees for outside employment).

Lilligren moved to adjourn. Seconded.

Adopted upon a voice vote.

Susanne Griffin,
Assistant City Clerk.

Created: 6/24/2003;
Modified: 6/26/2003;
Corrected: 6/30/2003;
8/21/2003;
4/13/2004;